

Transcript of the Testimony of

Robert Gerholdt

December 5, 2023

Raymond Thompson v. Joshua Cockrell, et al

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION	INDEX OF EXAMINATION
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1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MISSOURI 3 EASTERN DIVISION 4 RAYMOND THOMPSON,) 5 Plaintiff,) 6 v.) Case No. 4:23-CV-133-SRW 7 JOSHUA COCKRELL, et al.,) 8 Defendants.) 9 DEPOSITION OF ROBERT GERHOLDT, produced, sworn, 10 and examined on the 5th day of December, 2023, between 11 8:00 a.m. and 6:00 p.m. of that day before Brenda L. 12 Schmelz, Certified Verbatim Reporter-Master, Missouri CCR 13 1267, a Certified Court Reporter within and for the State 14 of Missouri, in the above-styled certain cause now pending 15 before the United States District Court, Eastern District 16 of Missouri, Eastern Division, on behalf of the Plaintiff. 17 18 19 20 21 22 23 24 25	1 2 3 APPEARANCES 4 On behalf of Plaintiff: 5 Justin K. Gelfand, Esq. 6 Margulis Gelfand, LLC 7 7700 Bonhomme, Suite 750 8 St. Louis, MO 63105 9 314.390.0234 10 justin@margulisgelfand.com 11 12 On behalf of Defendant: 13 Catherine Robertson, Esq. 14 Reichardt Noce & Young 15 12444 Powerscourt Dr., Suite 160 16 St. Louis, MO 63131 17 314.789.1199 18 cmr@reichardtnoce.com 19 20 21 22 23 24 25

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<p style="text-align: right;">5</p> <p>1 ROBERT GERHOLDT, 2 of lawful age, being first duly sworn to tell the truth, 3 the whole truth, and nothing but the truth, deposes and 4 says on behalf of Plaintiff, as follows: 5 6 EXAMINATION 7 BY MR. GELFAND: 8 Q. Good afternoon. 9 A. Good afternoon. 10 Q. Could you please state and spell your name for 11 the benefit of the court reporter, please, sir? 12 A. Robert Gerholdt. My last name is spelled 13 G-E-R-H-O-L-D-T. 14 Q. And what is your title? 15 A. Police officer. 16 Q. Okay. Would you prefer that I refer to you as 17 Officer Gerholdt over this deposition? 18 A. No, that's fine. You can call me Robert, big 19 ugly tall guy with glasses. You can call me whatever you 20 want to. 21 Q. Careful what you offer. 22 A. It's happened before, sir. Trust me. 23 Q. How are you currently employed? 24 A. I'm employed by the City of Manchester. 25 Q. And how long have you been a police officer with</p>	<p style="text-align: right;">6</p> <p>1 the City of Manchester? 2 A. Just over a year and a half. 3 Q. We'll get a little more into your background in 4 a second, but before we do, I assume given your 5 employment, you've given depositions before? 6 A. Yes, sir, I have. 7 Q. Approximately how many times? 8 A. That I can remember, three. 9 Q. Has that always been in connection with your 10 work, in other words, criminal cases where you've been 11 deposed? 12 A. It's always been in connection with cases that I 13 was involved in, yes. 14 Q. Okay. I'm going to go over a couple of ground 15 rules quickly, but it sounds like you're pretty familiar 16 with the process. 17 A. Please. 18 Q. Over the course of this deposition, I'm going to 19 ask you some questions. Your own attorney may ask you 20 some questions as well. No matter who's asking you the 21 question, I'm going to ask that you please only answer 22 questions if you understand the question. Fair enough? 23 A. Yes, sir. I would hope so. 24 Q. If you don't understand the question, you know, 25 please just ask me to rephrase it or ask your own attorney</p>
<p style="text-align: right;">7</p> <p>1 to rephrase it. I promise you, you won't offend either of 2 us. We'd rather you understand the question and get it 3 right. Fair enough? 4 A. Yes, sir. 5 Q. Similarly, if you do answer a question, I would 6 assume that you did understand it. Fair enough? 7 A. Absolutely. 8 Q. Finally, over the course of this deposition, as 9 you see, the court reporter is taking a transcript. I'll 10 certainly do my best in this way too, but if we can do our 11 best to make sure that we don't talk over one another, 12 that will make the court reporter not kill us, which will 13 be better for all of us today. Fair enough? 14 A. Yes. I would like to leave here in one piece, 15 yes. 16 Q. Okay. You testified that you've been a police 17 officer with the City of Manchester for approximately 18 one and a half years; is that correct? 19 A. Correct, just a little over one and a half 20 years, yeah. It will be two years in April. 21 Q. Generally speaking, what are your duties and 22 responsibilities as a police officer in the City of 23 Manchester? 24 A. As a police officer, I am responsible for 25 traffic control. I am responsible for responding to</p>	<p style="text-align: right;">8</p> <p>1 different calls for service, for general keeping the 2 peace, restoring or maintaining order in the City. 3 Q. Do you have any supervisory responsibilities? 4 A. I do not. 5 Q. What is your academic background? 6 A. My academic background is -- how far would you 7 like me go back, sir? 8 Q. Past high school. 9 A. Past -- oh, past high school. I have an 10 associate's degree in Criminal Justice from Southern New 11 Hampshire University. 12 Q. And when did you receive that? 13 A. I did that just within the last year. 14 Q. Okay. Any other post high school education, 15 formal education? 16 A. I did go to a corrections, a course, the Arizona 17 Institute of Business and Technology in Mesa, Arizona, but 18 that -- that was 35 years ago. 19 Q. Okay. 20 A. Many moons. 21 Q. Did you receive a degree in that? 22 A. I received a diploma and that was basically not 23 a college credited type thing. It was when I was going to 24 go into corrections, and basically it was just a yes, you 25 passed, Merry Christmas.</p>

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<p style="text-align: right;">9</p> <p>1 Q. Other than your current employment, do you have 2 any previous law enforcement experience? 3 A. I do. 4 Q. Where? 5 A. City of Hazelwood. 6 Q. How long did you work for the City of Hazelwood? 7 A. Approximately eighteen and a half years. 8 Q. As a police officer? 9 A. Sixteen of that was as a police officer and then 10 two and a half was as a detective. 11 Q. Why did you leave the City of Hazelwood? 12 A. Better pay. My insurance actually was \$1570 a 13 month. That was putting a pretty big financial strain on 14 my family. The general atmosphere of the City of 15 Hazelwood was -- in all honesty, it was just -- it was 16 affecting my marriage, affecting my family and my wife 17 pretty much told me to get out of law enforcement or go 18 somewhere else. So that's when I chose to come to 19 Manchester. Thank God they hired me. 20 Q. Did you go straight from Hazelwood Police 21 Department to Manchester Police Department? 22 A. Yes, it was a matter of one day. I actually 23 quit the City of Hazelwood on April 16th, which was a 24 Saturday, and I took Sunday off. And Monday, the 18th, I 25 started at Manchester.</p>	<p style="text-align: right;">10</p> <p>1 Q. When you left Hazelwood, were you a detective? 2 A. I was not. I was back on the road. 3 Q. Was there anything that happened at Hazelwood 4 that caused you to go from detective to police officer? 5 A. No, sir. The program that I was in was a 6 two-year rotating detective position. It wasn't a 7 permanent spot. I actually got six months, a little bit 8 more, before they put me back on the road. 9 Q. With the exception of Hazelwood and Manchester, 10 have you worked in any other law enforcement capacity? 11 A. No, sir. 12 Q. Have you ever been the subject of any discipline 13 actions in connection with your law enforcement 14 experience? 15 A. No. 16 Q. Have you ever been the party to any lawsuit -- a 17 party to any lawsuit with the exception of, obviously, the 18 one that gets us all together today? 19 A. No, sir. 20 Q. So just to be clear, you've never sued or been 21 sued? 22 A. Me personally, no. 23 Q. Now, as a police officer with as many years of 24 experience as you have -- 25 A. Yes, sir.</p>
<p style="text-align: right;">11</p> <p>1 Q. -- would you agree with me that it's important 2 to be thorough in your police work? 3 A. Yes, sir. 4 Q. To be fair? 5 A. Yes, sir. 6 Q. To keep an open mind? 7 A. Yes. 8 Q. To follow all leads? 9 A. Yes. 10 Q. To not rush to judgment until you have all the 11 relevant evidence? 12 A. Yes. 13 Q. And to be honest and accurate in any police 14 reports, affidavits, other documents that you prepare in 15 connection with your work? 16 A. That is correct. 17 Q. Now, as a police officer with the City of 18 Manchester, would you agree with me that you have a number 19 of investigative tools at your disposal? 20 MS. ROBERTSON: Objection, vague. 21 A. Can you be more specific? 22 Q. (By Mr. Gelfand): Sure. If it is appropriate 23 in the context of any particular investigation, you have 24 the ability to apply for, and if granted by a judge, 25 execute search warrants; correct?</p>	<p style="text-align: right;">12</p> <p>1 A. Correct. 2 Q. You have the ability to conduct voluntary 3 witness interviews with anybody willing to talk to you in 4 connection with a matter; correct? 5 A. Yes. 6 Q. You have the ability to issue subpoenas if you 7 need to get documents from third parties or companies; 8 correct? 9 A. I do not have the ability to issue subpoenas, 10 no. 11 Q. Do you have the ability to request subpoenas? 12 A. I do have the ability to request them, yes. 13 Q. And have you done that before in connection with 14 cases? 15 A. Yes. 16 Q. You have access to forensics and crime labs that 17 can do things like DNA, fingerprints, the whole nine 18 yards; correct? 19 A. St. Louis County, yes, sir. 20 Q. Okay. And would you agree with me that it's 21 only fair to all parties involved in a matter to use all 22 available resources to make sure that you've investigated 23 any situation fairly and thoroughly? 24 MS. ROBERTSON: Objection, calls for 25 speculation. You can answer if you know.</p>

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<p style="text-align: right;">13</p> <p>1 A. I think that question is only based on the 2 circumstance because not all circumstances are the same. 3 Q. (By Mr. Gelfand): What are circumstances that 4 you have confronted in your police work with the City of 5 Manchester Police Department where you have concluded that 6 you should not use all available resources? 7 MS. ROBERTSON: Objection, calls for 8 speculation. Object to form. Vague. 9 A. I don't understand the question, sir. 10 Q. (By Mr. Gelfand): Are there any instances where 11 you've investigated a matter and decided purposefully not 12 to use law enforcement that you just testified about? 13 MS. ROBERTSON: Same objection. You can 14 answer if you know. 15 A. I don't know. 16 Q. (By Mr. Gelfand): Did you personally draft any 17 police reports or affidavits in connection with this 18 particular matter? 19 A. A police report, yes, sir. 20 Q. And just broadly speaking -- we'll get into the 21 details of the police report -- would you agree with me 22 that it's important to be accurate and complete when you 23 draft police reports? 24 A. Yes, sir. 25 Q. Did you do that in this case?</p>	<p style="text-align: right;">14</p> <p>1 A. Yes, sir. 2 Q. Did you take great care to make sure that what 3 you said was completely accurate? 4 A. Yes, sir. 5 Q. Now, what is your understanding of the purpose 6 of a Manchester Police Department police report? 7 MS. ROBERTSON: Objection, vague. 8 A. The purpose of a police report is to tell a 9 story, for a lack of better words, what happened, who I 10 contacted, where I went, what I did, what other people 11 did, what other people said. That is the purpose of a 12 police report. 13 Q. (By Mr. Gelfand): Would you agree with me that 14 one of the purposes of a police report is to memorialize 15 what happened? 16 MS. ROBERTSON: Objection, calls for 17 speculation, vague. 18 A. I don't understand what you mean by memorialize. 19 Q. (By Mr. Gelfand): To write down what happens, 20 so that there is some sort of written record? 21 A. Yes. 22 Q. And is it fair to say, based on your training 23 and experience as a law enforcement officer, that other 24 law enforcement often rely on police reports? 25 MS. ROBERTSON: Objection, vague, calls for</p>
<p style="text-align: right;">15</p> <p>1 speculation. 2 A. In my experience as a police officer, I would 3 say that there has been times when my police report 4 directly coincides with -- with another department's case 5 or something they have going on. So in that I would say, 6 yes. 7 Q. (By Mr. Gelfand): Do you provide police reports 8 to prosecutors? 9 A. Yes, sir. 10 Q. Why? 11 MS. ROBERTSON: Objection, vague, calls for 12 speculation, relevance. You can answer. 13 A. I'm sorry, can you repeat the question, sir? 14 Q. (By Mr. Gelfand): Yeah. Why do you provide 15 police reports to prosecutors? 16 A. If they ask for it, whether it be for warrant 17 application purposes or prosecutors using a police report 18 in reference to another agency's police report. 19 Q. I want to direct your attention, Officer, to the 20 night of October 22 of 2022. Do you recall that evening? 21 A. Yes. 22 Q. Were you on duty? 23 A. I was. 24 Q. And specifically, were you on duty acting in the 25 capacity of a police officer with the City of Manchester</p>	<p style="text-align: right;">16</p> <p>1 Police Department? 2 A. Yes, sir. 3 Q. Did you come into contact with an individual 4 named Amara Elmore? 5 A. Yes, sir. 6 Q. Prior to that evening, to the best of your 7 knowledge, had you ever met Ms. Elmore? 8 A. No. 9 Q. Prior to that evening, to the best of your 10 knowledge, had you ever spoken with Ms. Elmore? 11 A. No, sir. 12 Q. As far as you know, is it fair to say that's the 13 first time you ever met this woman? 14 A. I think that's fair, yes, sir. 15 Q. Did you also come into contact with a -- an 16 individual named Steven Mackenzie? 17 A. Yes, sir. 18 Q. Similarly, had you ever met or spoken with 19 Mr. Mackenzie prior to that evening? 20 A. No, sir. 21 Q. Where did you -- well, first of all, when you 22 came into contact with Ms. Elmore and Mr. Mackenzie, were 23 they together? 24 A. They were together. 25 Q. Where did you come into contact with them first?</p>

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<p style="text-align: right;">17</p> <p>1 A. At 1209 Cottagemill. Specifically, they were in 2 the street out in front of the residence. 3 Q. Okay. And just to be clear, so that we can 4 speed through some of this -- 5 A. Absolutely. 6 Q. -- that is a residential address owned by a 7 Jeremiah -- I'm sorry, owned by Raymond Thompson; correct? 8 A. That is correct, sir. 9 Q. Okay. I'm going to refer to that as 10 Mr. Thompson's house. Fair enough? 11 A. Yes, sir, absolutely. 12 Q. When you -- prior to arriving at the scene, why 13 did you respond to that address? 14 A. Dispatch had sent me there in reference to a 15 recover a failed to return vehicle. That's the way it 16 came out. 17 Q. Did you then respond to that call, so to speak, 18 by traveling in your police car to that residence? 19 A. Yes. I was dispatched as initially an assist 20 car. Officer Cockrell was dispatched. It was his sector 21 that night, but I got there first. 22 Q. Who is Officer Cockrell? 23 A. Officer Joshua Cockrell was the assist officer. 24 Q. Was there any significance to what transpired 25 with the fact that you got there first?</p>	<p style="text-align: right;">18</p> <p>1 A. No, sir. I just -- luck of the draw. Got there 2 first. 3 Q. Did it still remain Officer Cockrell's call or 4 was it yours? 5 A. No, sir. It was -- I took the call since I got 6 there first, and I was already talking to Ms. Elmore and 7 Mr. Mackenzie prior to Officer Cockrell being there. 8 Q. When you traveled to the residence, did you 9 travel there with lights and sirens? 10 A. No, sir. 11 Q. Lights or sirens? 12 A. Lights or sirens? No, sir. 13 Q. When you arrived at the residence, you testified 14 that Ms. Elmore and Mr. Mackenzie were standing in the 15 street? 16 A. Yes, sir. 17 Q. What did you do? 18 A. I got out and I contacted them. 19 Q. What, if anything, did you say? 20 A. I don't remember exactly what I said to them, so 21 I can't -- I can't tell you. 22 Q. Approximately what time of day was this on 23 October 22 of 2022? 24 A. It was just a little after 11:00 p.m. or 2300 25 hours, 2316 specifically in the police report.</p>
<p style="text-align: right;">19</p> <p>1 Q. Okay. So approximately 11:15 p.m.? 2 A. Yes, sir. 3 Q. How long were you on-scene before you initially 4 left? 5 A. I cannot -- I can't say exactly how long I was 6 there. 7 Q. Approximately how long were you on-scene? 8 A. Twenty, 25 minutes. 9 Q. When you approached Ms. Elmore and 10 Mr. Mackenzie, what, if anything, did they say to you, 11 other than -- 12 A. I remember that they were all smiles. They were 13 saying, Hi, how you doing. I -- like I said, I don't 14 remember exactly what I said to them, but normally when I 15 meet people I say hello, how are you, what's going on? 16 But I can't -- I can't testify to that because I don't 17 remember. Just -- 18 Q. Do you remember anything they said to you? 19 A. Oh, I remember a lot. Yeah. But I'm just 20 saying, what I said to them. 21 Q. Fair enough. 22 A. Okay. That's just -- normally, that's what I 23 would say to people, just to kind of break the ice, but I 24 can't specifically say what I said to them, but as far as 25 what they said to me, yes, sir, I do remember.</p>	<p style="text-align: right;">20</p> <p>1 Q. What did each of them say to you? 2 A. So Ms. Elmore was the one that did most of the 3 talking. She stated that her father, Nathan Rench, had 4 loaned a 2003 Harley-Davidson trike to a friend of -- or a 5 then friend. Apparently, they weren't friends anymore. A 6 then friend of his named Raymond Thompson. She said that 7 she was told by Nathan Rench that after the bike had been 8 loaned for a couple of weeks, Raymond Thompson moved -- 9 moved out of Owensville and did not return the bike. She 10 said that Nathan Rench asked her and Mackenzie, both, if 11 they would recover the bike for him. 12 Q. Prior to arriving at Mr. Thompson's house that 13 evening, had you ever spoken with Nathan Rench? 14 A. No, sir. 15 Q. To the best of your knowledge, had you ever met 16 Nathan Rench? 17 A. No idea who he was. 18 Q. This was just a random name out of the blue; 19 correct? 20 A. Yes, sir. 21 Q. So what did you do next? 22 A. She continued her story. After she told me 23 that, she said that Nathan Rench showed her a picture of a 24 title that had his information on it. She took a picture 25 of that title and then she showed that to me. She showed</p>

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<p style="text-align: right;">21</p> <p>1 me a title that -- a picture of a title on a phone that 2 had a name, a VIN number and the year, make and model of 3 the bike. 4 Q. Let's back up for a second. 5 A. Absolutely. 6 Q. Is everything you just testified about a 7 conversation that you had prior to, as I understand it, 8 knocking on the door of Mr. Thompson's house? 9 A. Yes, sir, it is. 10 Q. With respect to what she showed you, if I 11 understand your testimony correctly, it was a phone, her 12 phone, depicting what was a picture of a picture of a 13 title? 14 A. Yes, sir. 15 Q. Or I should say a purported title. 16 A. I'm sorry? 17 Q. I should say a purported title. 18 A. A purported title. I don't know what the word 19 purported means, but -- 20 Q. Supposed. 21 A. Yes, sir. 22 Q. In other words, you now understand that wasn't 23 the real title; right? 24 A. I'm sorry, sir? 25 Q. You now understand that wasn't a real title;</p>	<p style="text-align: right;">22</p> <p>1 correct? 2 MS. ROBERTSON: Objection -- objection, 3 calls for speculation, calls for a legal 4 conclusion. You can answer if you know. 5 A. At the time, no, I did not know that. 6 Q. (By Mr. Gelfand): I'm asking you now. 7 A. Now, sir? 8 Q. Yes. 9 A. As we stand here today? 10 Q. Yes. So that's what I mean by a purported 11 title. 12 A. Okay. 13 Q. At the time that she showed you the picture of 14 the picture on the phone, did she show you any other 15 documents? 16 A. No, sir. 17 Q. Or any other pictures to be precise? 18 A. She showed a picture of the motorcycle. 19 Q. What did you do after she showed you this 20 picture of a picture? 21 A. She continued her statement. Said that they 22 were in the area and they found Mr. Thompson's address on 23 CaseNet and they came to the address that evening. They 24 said that they or -- I'm sorry, she said that they did not 25 see the bike in the driveway. So the gate was open, so</p>
<p style="text-align: right;">23</p> <p>1 they looked in the backyard. They saw the bike in the 2 back and then they called the police. 3 Q. Was there anybody present that evening who 4 claimed to be Nathan Rench? 5 A. No, sir. 6 Q. Did you do anything that evening to investigate 7 the relationship, if any, between Ms. Elmore and 8 Mr. Rench? 9 A. For the -- for the entire time that it was 10 there, is that what you're asking? 11 Q. Yes. 12 A. Yes. However, Ms. Elmore stated that the reason 13 why Nathan Rench wasn't there was because he had been in a 14 recent motorcycle accident and had a stroke and he had to 15 get around on a motorized scooter. That's why he wasn't 16 there. 17 Q. Did you know at the time whether anything she 18 was telling you was true or untrue? 19 A. I had no reason to believe I was being lied to. 20 Q. In fairness, you also had no reason to believe 21 you weren't being lied to; correct? 22 A. Yes, sir. 23 Q. Did you do anything to investigate the actual 24 relationship that evening between Ms. Elmore and Mr. 25 Rench?</p>	<p style="text-align: right;">24</p> <p>1 A. We're skipping ahead a little bit, after -- 2 Q. Let's -- let's do this, because that's fair. 3 A. Okay. 4 Q. And I don't want to confuse -- 5 A. Right, you're -- you're skipping -- 6 Q. -- the record. 7 A. -- way ahead. 8 Q. My understanding, which is -- let's get our 9 bearings for a second. 10 A. Sure. 11 Q. My understanding is that you responded to 12 Mr. Thompson's house that evening multiple nights -- 13 multiple times; correct? 14 A. That is correct. 15 Q. Okay. What you've previous -- what you've been 16 testifying about so far is the first response; correct? 17 A. The first response, yes, sir. 18 Q. Let's stay on that right now -- 19 A. Yes, sir. 20 Q. -- until we expressly get to the next. 21 A. Okay. Absolutely. 22 Q. During that first response, did you do anything 23 at all to investigate how Ms. Elmore and Mr. Rench were 24 actually related, if at all? 25 A. No, sir.</p>

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<p style="text-align: right;">25</p> <p>1 Q. During that first response at the time at 2 Mr. Thompson's house, did you do anything at all to 3 investigate how, if at all, Mr. Mackenzie and Mr. Rensch 4 were actually related? 5 A. No, sir, I had no reason. 6 Q. So after they showed you these documents and 7 told you that they believed the bike was in the back, what 8 did you do? 9 A. At that point, I went and I knocked on the door, 10 on the front door of Mr. Thompson's residence several 11 times. Knocked on the door, rang the doorbell to try to 12 get -- contact somebody at the house. 13 Q. Did you do anything to determine who lived in 14 that house? 15 A. Yes, sir. 16 Q. What did you do? 17 A. As I was coming back down, Mr. Mackenzie was 18 like, there's the bike right there. You can see it back 19 behind the fence, the open fence. As I was walking 20 towards the driveway, there was a vehicle parked in the 21 driveway. I ran the plate on the vehicle and it came back 22 to Raymond Thompson. 23 Q. Prior to that evening, had you ever had any 24 interactions with Mr. Thompson that you recall? 25 A. No, sir.</p>	<p style="text-align: right;">26</p> <p>1 Q. Prior to that evening, had you ever been to his 2 residence for any reason? 3 A. Specifically, no. I have driven by it probably 4 hundreds of times, but specifically for a call, no. 5 Q. When you say "driven by it," you just mean 6 because it's in Manchester and you -- 7 A. General patrol. 8 Q. Patrol, not because there was anything at the 9 house? 10 A. No, sir. 11 Q. Now, when you knocked on the door multiple 12 times, did you quickly conclude that nobody was home? 13 A. Quickly? Not quickly. 14 Q. Did you conclude that nobody was home? 15 A. I concluded that nobody was home, yes, sir. 16 Q. What led you to conclude that nobody was home? 17 A. Nobody answered the door. 18 Q. Simple enough; right? 19 A. What's that? 20 Q. Simple enough; right? 21 A. Yes, sir. 22 Q. Did you pick up the phone and try to call 23 Mr. Thompson? 24 A. I did not. 25 Q. You testified that you then walked down from the</p>
<p style="text-align: right;">27</p> <p>1 front door? 2 A. Correct. 3 Q. And around to the driveway; is that correct? 4 A. That is correct, sir. 5 Q. What did you do at that point? 6 A. As I previously stated, there was a vehicle 7 parked in the driveway. I ran the plate on the vehicle 8 and it came back to Mr. Thompson. 9 Q. Was the only significance of that from a law 10 enforcement perspective that it corroborated that this was 11 Mr. Thompson's house? 12 A. I don't understand the question. 13 Q. Why -- why did you run the plate to the vehicle? 14 A. To see who it came back to and that would 15 conclude that it -- it was Mr. Thompson's residence. 16 Q. And that was the only point, right, to figure 17 out who lived there? 18 A. Yes, sir. 19 Q. Then what did you do? 20 A. After that, I did look in the backyard -- or I'm 21 sorry, I looked in the back behind the fence and, I saw 22 that the motorcycle sitting back there that resembled the 23 picture that they showed me. 24 Q. Let's back up for a second. Do you readily 25 admit that you walked past the privacy fence into the</p>	<p style="text-align: right;">28</p> <p>1 backyard of the house? 2 MS. ROBERTSON: Objection, mischaracterizes 3 his testimony. 4 MR. GELFAND: I'm asking him a question. 5 It wasn't mischaracterizing anything. 6 A. At the point that we're at right now, that 7 answer is no, because I had not yet gone into the 8 backyard. 9 Q. (By Mr. Gelfand): Okay. At any point that 10 evening in this first time that you responded to the house 11 -- 12 A. Yes, sir. 13 Q. -- did you enter Mr. Thompson's backyard? 14 A. Yes, sir. 15 Q. Did all four of you enter Mr. Thompson's 16 backyard? 17 A. At the same time? 18 Q. Or simultaneously? 19 A. No, not simultaneously, no. 20 Q. Tell me what happened. What was the order of 21 people that entered the backyard? 22 A. Myself and Officer Cockrell went back first. 23 And then Amara Elmore and Steven Mackenzie came back after 24 that. 25 Q. Was there a time where you and Officer Cockrell</p>

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<p style="text-align: right;">29</p> <p>1 were in the backyard and asked Ms. Elmore and Mr. 2 Mackenzie to wait? 3 A. I did tell them to wait. 4 Q. Why? 5 A. Because I didn't know what was going on. I 6 didn't know anything about Mr. Thompson. I didn't want 7 them just willy-nilly coming back into a backyard, getting 8 hurt, slipping, falling or anything else that might cause 9 any other issues. 10 Q. And during that time, before Ms. Elmore and Mr. 11 Mackenzie came into the backyard, Officer Cockrell was 12 with you in the backyard? 13 A. Yes, sir. 14 Q. Approximately how long were you and Officer 15 Cockrell in the backyard before Ms. Elmore and Mr. 16 Mackenzie were cleared by you to come to the backyard? 17 A. I don't know the answer to that. 18 Q. Are we talking seconds, minutes, days or -- 19 A. We're not talking days. We're not talking 20 hours. So I would say minutes. 21 Q. Okay. When you and Officer Cockrell entered the 22 backyard at that time -- I'm just trying to show what 23 happened here. 24 A. Mm-hm. 25 Q. What were each of you doing?</p>	<p style="text-align: right;">30</p> <p>1 A. When we entered the backyard? 2 Q. Yes. 3 A. I do not know what Officer Cockrell was doing. 4 My attention was on what was going on. His was to back me 5 up, so I don't -- I can't tell you what he does. I can't 6 testify to that. 7 Q. What did you do? 8 A. I walked straight to the motorcycle. I located 9 the VIN number on the right front fork assembly. I ran 10 the VIN. First of all, I verified it through the picture 11 that they showed me. And then I ran the VIN through our 12 computer dispatch. 13 Q. So just to understand what you're saying, I 14 understand you didn't watch specifically what Officer 15 Cockrell was doing? 16 A. Correct. 17 Q. But when you went into the backyard before 18 clearing Ms. Elmore and Mr. Mackenzie to come into the 19 backyard, you were going in the backyard to try to find 20 the motorcycle? 21 A. That's correct. Well, not to try and find it, 22 no. I knew exactly where it was because I could see it. 23 Q. Okay. And then you walked up to what you 24 believed was the motorcycle; correct? 25 A. Yes, sir. Yes, sir.</p>
<p style="text-align: right;">31</p> <p>1 Q. And you searched for the VIN; correct? 2 A. Correct. 3 Q. Where was the VIN? 4 A. Right front fork assembly. 5 Q. And you testified that the VIN matched, so to 6 speak, the VIN that was on the picture of a picture that 7 Ms. Elmore showed you; correct? 8 A. Yes, sir. 9 Q. Is there anything else you did in the backyard 10 before clearing Ms. Elmore and Mr. Mackenzie to come into 11 the backyard? 12 A. So the answer to that question is, yes. 13 However, I think it should be noted that I at no point -- 14 when I ran the VIN and it came back to Nathan Rench, 15 that -- which is what I did next, Amara Elmore and Steven 16 Mackenzie walked back in there. I didn't say, okay, guys, 17 come on back. I didn't say anything like that. They just 18 walked back into the backyard, and I did not stop them at 19 that point. 20 Q. Okay. What else did you do in the backyard 21 then? 22 A. Nothing. As far as -- I mean, as far as the 23 motorcycle is concerned, I didn't go anywhere else. I 24 didn't touch anything else. I never put my hands on the 25 motorcycle at any point. I simply looked at it and ran</p>	<p style="text-align: right;">32</p> <p>1 the information. Once it came back to it, Steven 2 Mackenzie came, had a key in his hand. At that point, he 3 started the motorcycle and took it. 4 Q. So we're going to get into that in a second. 5 A. Absolutely. 6 Q. And I can show it to you if you want, but my 7 understanding is there's a reference in a police report 8 that you prepared whereby you claim to attempt to -- 9 A. Oh. 10 Q. -- make statements to I believe it was an open 11 window -- 12 A. An open window. 13 Q. -- of the house. 14 A. An open window, yes. 15 Q. Can you tell me what happened there? 16 A. Absolutely. So there was -- in the rear of the 17 residence there is -- it's two-story because there was an 18 upper window that was open and I -- once again I yelled my 19 name, Manchester Police Department, nobody answered again. 20 I -- yes. 21 Q. And where were you standing when you yelled into 22 that window? 23 A. Next to the motorcycle. 24 Q. You testified a minute ago that Mr. Mackenzie 25 had a key in his hand?</p>

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<p style="text-align: right;">33</p> <p>1 A. Yes, sir.</p> <p>2 Q. What did the key look like?</p> <p>3 A. I do not remember.</p> <p>4 Q. What then did he do?</p> <p>5 A. I was standing on the right side of the</p> <p>6 motorcycle. The motorcycle was facing west. He came up</p> <p>7 on the left side of the motorcycle, had the key in his</p> <p>8 right hand, just like this (indicating). He went around</p> <p>9 to the rear of the bike and then the bike started, very</p> <p>10 loudly I might say.</p> <p>11 Q. Did he represent to you that this was a key to</p> <p>12 the motorcycle?</p> <p>13 A. I don't remember.</p> <p>14 Q. Was that the inference?</p> <p>15 A. Well, if he had the key in his hand, that would</p> <p>16 be the inference. If he --</p> <p>17 Q. He's not going into the house; right?</p> <p>18 A. Right, but he never once said this is the key</p> <p>19 to -- to my recollection, that this is the key to the</p> <p>20 motorcycle. He had the key in his hand.</p> <p>21 Q. Did you watch him use the key to start the</p> <p>22 motorcycle?</p> <p>23 A. I did not.</p> <p>24 Q. Then what happened?</p> <p>25 A. The motorcycle started, rattled windows within</p>	<p style="text-align: right;">34</p> <p>1 about an eight-block radius, and then he drove the</p> <p>2 motorcycle out of the gate. Amara Elmore followed him and</p> <p>3 she got into her vehicle and they drove away.</p> <p>4 Q. When you initially responded to this call, did</p> <p>5 you utilize a dash cam?</p> <p>6 A. Yes, sir.</p> <p>7 Q. What is a dash cam?</p> <p>8 A. So the dash cam is a -- it's a camera that's</p> <p>9 mounted -- every department's different. The City of</p> <p>10 Manchester, it looks like a little cross, sits right above</p> <p>11 the center of the vehicle or the center of the interior of</p> <p>12 the vehicle, has a computer or a monitor, a little --</p> <p>13 probably about a 5-inch monitor that sits right above the</p> <p>14 passenger seat. And yes, I did use it.</p> <p>15 Q. When you were on scene, were you wearing what we</p> <p>16 commonly call a body cam or a body camera?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Are you familiar with what a body cam is?</p> <p>19 A. I would hope so, yes, sir.</p> <p>20 Q. I would hope so, too. What is a body cam?</p> <p>21 A. Pardon me?</p> <p>22 Q. What is a body cam?</p> <p>23 A. A body camera -- once again, each department is</p> <p>24 different. The City of Hazelwood's about the size of a</p> <p>25 small book. These are about the size of a little tiny</p>
<p style="text-align: right;">35</p> <p>1 half pack of cigarettes. Basically, it's a mobile camera</p> <p>2 that will capture audio and video of an incident.</p> <p>3 Q. Do police officers at the Manchester Police</p> <p>4 Department during this time period have control over</p> <p>5 whether the body cam is recording at any given time?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And is that as simple as basically pushing a</p> <p>8 button?</p> <p>9 A. It is.</p> <p>10 Q. When a body cam is recording, and I'm just</p> <p>11 asking about the Manchester Police body cam --</p> <p>12 A. Sure.</p> <p>13 Q. -- that you were wearing that night. When a</p> <p>14 body cam is recording, is there any indicia on the body</p> <p>15 cam to show that it's on and that it's recording?</p> <p>16 A. Yes, sir. I would like to go back to one thing</p> <p>17 real quick. There are instances where the body cam is</p> <p>18 activated automatically. So when the body cam and the car</p> <p>19 camera are paired together, whenever you turn on, let's</p> <p>20 say, your lights, your emergency lights, both the body</p> <p>21 camera and the car camera are automatically activated.</p> <p>22 Another instance would be if you're driving faster than</p> <p>23 75 miles an hour, the body camera and the car camera</p> <p>24 automatically activate and the only way to deactivate them</p> <p>25 is to physically turn them off.</p>	<p style="text-align: right;">36</p> <p>1 So to answer your question, yes, there is a</p> <p>2 green status light, which shows the camera power is on.</p> <p>3 There is also a very very small, very small, even for my</p> <p>4 eyes, LED screen. It's not even a LED, it just like a</p> <p>5 digital readout up top that shows the power status, the</p> <p>6 number of calls or the number of recordings that are</p> <p>7 currently being recorded on it and a -- I think a serial</p> <p>8 number.</p> <p>9 Q. And what, if any, significance is there to a red</p> <p>10 light when it's enabled?</p> <p>11 A. When the red light is enabled, that means that</p> <p>12 the recording is active, which is the same case for the</p> <p>13 car camera. Whenever the body cam is in current record</p> <p>14 mode, there's also a red light that shows up on the</p> <p>15 button.</p> <p>16 Q. When you responded to this particular scene and</p> <p>17 enabled the dash cam and the body cam, was that one of the</p> <p>18 automatic instances or was that manual?</p> <p>19 A. That was a manual thing, sir. And it should</p> <p>20 also be noted that the car camera and the body camera work</p> <p>21 opposite of each other. So as I said before, when you</p> <p>22 turn on the lights, that the dash cam and then it</p> <p>23 activates the body camera. By the same token, if I</p> <p>24 respond to a scene and I push the record button on my body</p> <p>25 camera, that activates the car camera. So they're both</p>

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<p style="text-align: right;">37</p> <p>1 paired together.</p> <p>2 Q. So in this particular instance, both the body</p> <p>3 camera and the car camera, the dash camera were recording?</p> <p>4 A. Yes, sir. When I exited my vehicle -- actually</p> <p>5 before I exited my vehicle, I hit the button, it started</p> <p>6 recording. Normally, during the day -- if you watch my</p> <p>7 recordings, I have to go like this (demonstrating) to make</p> <p>8 sure the red light's on because the sun's shining and --</p> <p>9 and you can't see, but if it's dark, I can look down and</p> <p>10 see the red light.</p> <p>11 Q. And you saw the red light in this instance?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And is it fair to say you didn't turn it off;</p> <p>14 right?</p> <p>15 A. No, sir.</p> <p>16 Q. Is that what it's called?</p> <p>17 A. No, sir.</p> <p>18 Q. So the dash camera --</p> <p>19 A. No, wait, it is fair. I'm sorry.</p> <p>20 Q. It is fair to say that?</p> <p>21 A. It is fair to say that I did not turn it off.</p> <p>22 That is correct.</p> <p>23 Q. I appreciate that clarification. Sometimes we</p> <p>24 have records that --</p> <p>25 A. That's all good, man. Don't worry about it.</p>	<p style="text-align: right;">38</p> <p>1 Q. I appreciate that. So bottom line, though, when</p> <p>2 we just cut to the chase --</p> <p>3 A. Are we making her mad yet?</p> <p>4 Q. If we cut to the chase, throughout the entirety</p> <p>5 of all of your interactions with Ms. Elmore, Mr. Mackenzie</p> <p>6 walking up to the front door, the backyard, that was all</p> <p>7 recorded on body cam and dash cam with the caveat that</p> <p>8 some of it may not have been visible from the dash cam?</p> <p>9 A. Correct. So the body cam would have picked up</p> <p>10 100 percent of everything I did. The dash cam would have</p> <p>11 picked up my initial contact with Elmore and Mackenzie and</p> <p>12 then would have shown a really pretty picture of the back</p> <p>13 of their vehicle for the rest of the time.</p> <p>14 Q. Does the dash cam record audio?</p> <p>15 A. The dash cam does record audio, but noted that</p> <p>16 the dash cam only records the audio from inside the</p> <p>17 vehicle.</p> <p>18 Q. Okay.</p> <p>19 A. It does not record outside. That would be cool</p> <p>20 if it did.</p> <p>21 Q. Have you ever recommended that to your --</p> <p>22 A. You know, I'm not really sure I want to go to</p> <p>23 that planet yet, but I'm sure that -- that in some cases,</p> <p>24 it does.</p> <p>25 Q. When you entered -- let's back up for a second.</p>
<p style="text-align: right;">39</p> <p>1 A. Absolutely.</p> <p>2 Q. I think there's some concern, if I understood</p> <p>3 your testimony earlier correctly, with whether we</p> <p>4 characterize the part of Mr. Thompson's property as a</p> <p>5 backyard or as anything else. I'm going to call it the</p> <p>6 backyard, but let's just get our terms straight for a</p> <p>7 second. There is a part of Mr. Thompson's private</p> <p>8 property that you entered that was enclosed by a privacy</p> <p>9 fence; correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And that part had concrete or asphalt; in other</p> <p>12 words, not grass; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And that is the part where you testified the</p> <p>15 motorcycle that Mr. Mackenzie and Ms. Elmore ultimately</p> <p>16 left with was initially parked; correct?</p> <p>17 A. If you're -- if I understand you correctly,</p> <p>18 which I'm hoping I do, you're saying that -- the question</p> <p>19 you're asking me is that the motorcycle was parked behind</p> <p>20 that privacy fence?</p> <p>21 Q. Yes.</p> <p>22 A. Yes.</p> <p>23 Q. Okay. I'm going to call that the backyard for</p> <p>24 purposes of this deposition with the understanding that if</p> <p>25 you guys want to call it something else over the course of</p>	<p style="text-align: right;">40</p> <p>1 this litigation, feel free to.</p> <p>2 A. Backyard is fine. I'm sure she'll appreciate</p> <p>3 that, too.</p> <p>4 Q. Great. When you entered the backyard, you had</p> <p>5 to actually cross a privacy fence; correct? There was a</p> <p>6 gate?</p> <p>7 A. A threshold.</p> <p>8 Q. Yes. And you crossed that threshold onto</p> <p>9 Mr. Thompson's private property; correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. At that time, did you have a search warrant?</p> <p>12 A. No, sir.</p> <p>13 Q. At that time, had you ever even attempted to</p> <p>14 apply for a search warrant?</p> <p>15 A. No, sir.</p> <p>16 Q. Is it fair to say that at that time you did not</p> <p>17 believe you had probable cause to obtain a search warrant?</p> <p>18 A. To obtain a search warrant?</p> <p>19 Q. Yes.</p> <p>20 MS. ROBERTSON: Objection, misconstrues the</p> <p>21 testimony and evidence in this matter, assumes</p> <p>22 facts not in evidence, calls for a legal</p> <p>23 conclusion, calls for speculation. You can</p> <p>24 answer if you know.</p> <p>25 A. I don't know.</p>

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11 (Pages 41 to 44)

<p style="text-align: right;">41</p> <p>1 Q. (By Mr. Gelfand): Were you conducting a 2 criminal investigation? 3 A. No, sir. 4 Q. So just to focus on the facts for a second, 5 notwithstanding your counsel's objections, you didn't have 6 a search warrant; correct? 7 A. No, sir. 8 Q. You had never even attempted to obtain a search 9 warrant permitting you to enter the backyard; correct? 10 A. Yes, that is correct. 11 Q. And your purpose in entering the backyard as you 12 previously testified to was to locate and look at the VIN 13 number on the motorcycle; correct? 14 A. Correct. 15 Q. Did you believe there were exigent 16 circumstances? 17 A. Can you define exigent circumstances for me? 18 Q. Do you know what exigent circumstances are? 19 A. I do. But as far as in this case, which is 20 different from all other cases, what I had was I was there 21 to keep the peace and restore order. I had what 22 Ms. Elmore had told me. I had a picture of the VIN. I 23 had a picture of the motorcycle. I had tried to contact 24 somebody at the residence, so yes. 25 Q. Let's back up for a second.</p>	<p style="text-align: right;">42</p> <p>1 A. Okay. 2 Q. Did you believe when you entered the backyard 3 that anyone -- that a human being was in the backyard in 4 need of assistance? 5 A. No. 6 Q. For example, a hurt person saying help? 7 A. I -- no, that would have complicated things. 8 No. 9 Q. You testified that you were not conducting a 10 criminal investigation; correct? 11 A. Correct. 12 Q. So you weren't worrying about, you know, drugs 13 being flushed down the toilet, for example, those kinds of 14 things; correct? 15 A. No, sir, I wasn't, but -- 16 Q. You used the phrase you were there to keep the 17 peace and restore order; is that correct? 18 A. Yes. 19 Q. Who was threatening the peace? 20 MS. ROBERTSON: Objection, mischaracterizes 21 the testimony and evidence, assumes facts not in 22 evidence, calls for -- 23 Q. (By Mr. Gelfand): You can answer -- 24 MS. ROBERTSON: -- calls for speculation. 25 You can answer if you know.</p>
<p style="text-align: right;">43</p> <p>1 A. I don't know. 2 Q. (By Mr. Gelfand): Did you have Mr. Thompson's 3 consent to enter the backyard? 4 A. Mr. Thompson was not there. 5 Q. So no? 6 A. Or nobody was there. So I could not obtain his 7 consent. 8 Q. Okay. So the bottom line is, you would agree 9 you did not have Mr. Thompson's consent; correct? 10 A. I would agree, yes. 11 Q. Okay. I want to show you -- do you recall 12 responding to written interrogatories in connection with 13 this case? 14 A. Those are very big words, sir. Can you be a 15 little bit more -- 16 Q. Sure. That's fair. I don't know why we use 17 some words that we use as lawyers. Do you recall that we 18 asked you a bunch of questions in writing, and I'm sure 19 with the benefit of your counsel you provided written 20 responses to those questions? 21 A. Yes, sir. That's -- thank you, I understand 22 that. 23 Q. Okay. I have no idea why we don't just call 24 them questions, but that's neither here nor there. I am 25 going to show you what I'm going to mark as Exhibit 12 if</p>	<p style="text-align: right;">44</p> <p>1 I can, please. 2 (Plaintiff's Deposition Exhibit No. 12 3 was marked for identification.) 4 Q. (By Mr. Gelfand): Do you recognize what -- 5 first of all, do you have Exhibit 12 in front of you? 6 A. I have it in front of me, yes. 7 Q. Okay. And do you recognize Exhibit 12 as the 8 written responses to questions that we asked you? 9 A. Correct. Yes, sorry. 10 Q. And did you respond to these under oath? 11 A. Under oath? 12 MS. ROBERTSON: Do you remember signing a 13 verification? 14 A. Yes. 15 Q. (By Mr. Gelfand): Okay. 16 A. Thank you. I'm sorry. 17 Q. Not a trick question. You're good. In your 18 written interrogatories, I'm going to direct your 19 attention -- I'm going to jump around a little bit, but 20 I'm going to direct your attention to Interrogatory 17 on 21 page 9. 22 A. Way in the back. Can I fold this? 23 Q. Yeah. Do you see 17? 24 A. Yes, sir. 25 Q. It says, Defendant states this was not a</p>

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<p style="text-align: right;">45</p> <p>1 criminal investigation but a standby to keep the peace. 2 A. Correct. 3 Q. What did you mean by that? 4 A. Basically, I responded to a call that there was 5 no criminal intent. There was nothing to lead me to 6 believe that there was going to be a criminal 7 investigation. That's why I treated it as a -- as a 8 simple keep the peace call. I had people there that were 9 upset for some reason that their father's motorcycle 10 hadn't been returned. They were upset about it, and I was 11 there to keep the peace and do what I could to bring 12 resolution to it. 13 Q. If we direct your attention to Interrogatory 14 Number 15 -- let's back up for a second. 15 A. Okay. 16 Q. Would you agree with me that Mr. Thompson did 17 nothing to threaten the peace, so to speak? 18 A. Absolutely. He wasn't there, so he couldn't. 19 Q. Now, if we go to Number 15 on page 8. 20 A. Okay. 21 Q. Do you see where we asked you number C, if you 22 did enter Plaintiff's property without a warrant, on what 23 legal authority, if any, did you rely to enter Plaintiff's 24 property? 25 A. I do see that.</p>	<p style="text-align: right;">46</p> <p>1 Q. And do you see where your answer is, quote, 2 Pursuant to the community caretaker exception to the 3 warrant requirement, in order to keep the peace during a 4 self-help repossession, end quote. Did I read that 5 correctly? 6 A. You did. 7 Q. And is that a true statement? 8 A. It is. 9 Q. So is it your testimony here today that the 10 reason you entered the backyard and did what you did with 11 respect to the motorcycle, the Harley-Davidson 2003 trike 12 that's at issue in this case, was pursuant to the 13 community caretaker exception to the warrant requirement? 14 A. To keep -- 15 MS. ROBERTSON: Hold on. Objection, calls 16 for a legal conclusion and then also just 17 reassert the objection stated in the 18 interrogatory answer. You can answer if you 19 know. 20 A. Can you ask me the question again, sir? I'm 21 sorry. 22 Q. (By Mr. Gelfand): Yeah. If -- I'm basically 23 just asking what you wrote down here, but -- 24 A. No, no, no, please. No, go ahead. 25 Q. Sure. Is the answer to the question on what</p>
<p style="text-align: right;">47</p> <p>1 legal authority, if any, did you rely to enter Plaintiff's 2 property what you wrote here, which is the community 3 caretaker exception to the warrant requirement? 4 MS. ROBERTSON: Same objection, calls for a 5 legal conclusion. I know I stated it before. 6 A. Yes. 7 Q. (By Mr. Gelfand): And that was the answer you 8 gave in Interrogatory Number 15 here on page 8; correct? 9 A. Yes, sir. 10 Q. And that is what you're testifying to today; 11 correct? 12 A. That is what I'm testifying to, yes, sir. 13 Q. Okay. We may come back to these 14 interrogatories, but you can put that aside if you'd like? 15 A. Okay. Do you want it back or -- 16 Q. If you could -- now, you testified generally 17 about dash cam and body cam footage that was created on 18 October 22 of 2022 and, if it went past midnight, on 19 October 23 of 2022; correct? 20 A. Yes, sir. 21 Q. Based on your training and experience with the 22 Manchester Police Department, what happens to that footage 23 when you record it? 24 MS. ROBERTSON: Objection, calls for 25 speculation. He's not the custodian of the</p>	<p style="text-align: right;">48</p> <p>1 footage. You can answer if you know. 2 A. May I answer that question with a question? 3 Q. (By Mr. Gelfand): Sure. 4 A. With respect, are you asking me what happens to 5 it once I'm done with it or what are you asking? 6 Q. No, I'm just saying as a general matter -- 7 A. Oh. 8 Q. -- when you record -- if you responded to a call 9 today. 10 A. Okay. 11 Q. And you enabled or it was automatically 12 enabled to your dash cam and body cam devices. 13 A. Mm-hm. 14 Q. And that was in connection with -- I don't know, 15 an assault you were investigating? 16 A. Okay. Just some -- some traffic stop. 17 Q. Correct. Fair enough. What I'm trying to 18 figure out is based -- if you know, based on your training 19 and experience, what happens to the recording that is 20 recorded? So does it get saved somewhere? Does it -- 21 MS. ROBERTSON: Can I just make a running 22 objection because I want you to be able to 23 answer these questions for discovery purposes, 24 but I'd like a running objection that he's not 25 the custodian, calls for speculation, but go</p>

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13 (Pages 49 to 52)

<p style="text-align: right;">49</p> <p>1 ahead.</p> <p>2 A. Okay. It might help you or it might help this</p> <p>3 if I explain to you the entire process of the body</p> <p>4 cameras.</p> <p>5 Q. (By Mr. Gelfand): Sure.</p> <p>6 A. Before the beginning of my shift, which is at</p> <p>7 5:45 a.m., the body cameras are stored in docking stations.</p> <p>8 There's 32 body cameras and four docking stations, A, B, C</p> <p>9 and D. Before my shift starts, I will go -- I'll find my</p> <p>10 name. There's, like, a -- an iPad that sits next to them.</p> <p>11 You find your name, you push on your name and then you</p> <p>12 push the little arrow, enter arrow, and from there the</p> <p>13 iPad magically gives you a number, a body cam number,</p> <p>14 let's say in this case A1. Okay. That is my body camera</p> <p>15 for the day. You wait for a second, it syncs. My name</p> <p>16 will show up on the body camera. At that point, you take</p> <p>17 it out, you put it on, you go about your business. Do</p> <p>18 whatever you do throughout the day, traffic stops, calls</p> <p>19 for service, whatever.</p> <p>20 At the end of the day, you take that body camera</p> <p>21 back and you put it back in the docking station. Now, it</p> <p>22 doesn't matter which dock you put it into because they're</p> <p>23 all interconnected, and to be frankly honest with you, I</p> <p>24 mean, there's probably a lot o guys out there that don't</p> <p>25 remember which one they picked it up from in the first</p>	<p style="text-align: right;">50</p> <p>1 place. So you put it back in the docking station, and</p> <p>2 then from there, the video's downloaded into a server.</p> <p>3 And that is as much as I know about it.</p> <p>4 Q. Have there ever been instances where you in a</p> <p>5 case you were investigating needed to obtain copies of the</p> <p>6 body camera or dash cam footage?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Let's stick on body cam for a second.</p> <p>9 A. Okay.</p> <p>10 Q. That's what you're testifying about.</p> <p>11 A. Mm-hm.</p> <p>12 Q. How do you do that?</p> <p>13 A. There is a program that we can go, it's the</p> <p>14 WatchGuard program, where you can log in. Once the body</p> <p>15 cam video is downloaded, which is a tossup sometimes</p> <p>16 between whether it takes five minutes to download or</p> <p>17 whether it takes five hours to download. However, once</p> <p>18 that is all done, you can go back in through the</p> <p>19 WatchGuard program and view the video.</p> <p>20 Q. And have there been instances where you needed</p> <p>21 to make a copy of the video, for example, for a prosecutor</p> <p>22 for discovery?</p> <p>23 A. Me personally, no.</p> <p>24 Q. Do you know how you could accomplish that task</p> <p>25 if you wanted to?</p>
<p style="text-align: right;">51</p> <p>1 A. You can copy it directly from the WatchGuard.</p> <p>2 You can -- there is a -- a tab where you can select it and</p> <p>3 download it.</p> <p>4 Q. Do you only have access to your body cam videos</p> <p>5 or do you have access to other officer's body cam videos</p> <p>6 when you log into that program?</p> <p>7 A. Me personally, I believe that I only have access</p> <p>8 to mine. I know that supervisors and command staff</p> <p>9 have -- have access to all of them and, of course, IT has</p> <p>10 access to all of them.</p> <p>11 Q. Do you know how long they are stored on the</p> <p>12 system?</p> <p>13 MS. ROBERTSON: Objection, calls for</p> <p>14 speculation. Same running objection so.</p> <p>15 A. Different calls are classified differently, and</p> <p>16 they are stored for different timeframes. And for that, I</p> <p>17 do not know.</p> <p>18 Q. (By Mr. Gelfand): Do you know whether there are</p> <p>19 any policies at the Manchester Police Department that were</p> <p>20 in effect between October of 2022 and today that address</p> <p>21 that issue? In other words, how long body cam or dash cam</p> <p>22 video should be maintained?</p> <p>23 A. I do not know.</p> <p>24 Q. Have you ever received training in any of those</p> <p>25 policies, if they exist?</p>	<p style="text-align: right;">52</p> <p>1 A. The -- as far as --</p> <p>2 Q. Data retention policies?</p> <p>3 A. I don't remember.</p> <p>4 Q. Have you ever, in connection with any of your</p> <p>5 cases, reviewed body cam or dash cam footage from more</p> <p>6 than three weeks earlier than the date you were reviewing</p> <p>7 it?</p> <p>8 A. No.</p> <p>9 Q. What is, if you know -- you testified about how</p> <p>10 this mechanically works --</p> <p>11 A. Correct.</p> <p>12 Q. -- with respect to the body cams.</p> <p>13 A. Mm-hm.</p> <p>14 Q. How does it work with respect to dash cams?</p> <p>15 A. So the dash cameras are kind of a different</p> <p>16 animal. They work over Wi-Fi. Basically, when you pull</p> <p>17 up to the station, you get in that Wi-Fi zone where the</p> <p>18 material from the dash cam is transferred over to the</p> <p>19 server, and that happens automatically.</p> <p>20 Q. In other words, to speak in simple language,</p> <p>21 when you drive your police vehicle back to the station, it</p> <p>22 automatically downloads?</p> <p>23 A. Yes, when -- well, that is in a perfect world,</p> <p>24 but yes, sir.</p> <p>25 Q. Meaning, if the Wi-Fi is working?</p>

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14 (Pages 53 to 56)

<p style="text-align: right;">53</p> <p>1 A. That's correct.</p> <p>2 Q. Does the Wi-Fi generally work?</p> <p>3 A. Yes. The Wi-Fi generally works, yes, sir.</p> <p>4 Q. Okay. How do you, as an officer, review dash</p> <p>5 cam footage if you want to?</p> <p>6 A. We have the ability to watch our in-car dash cam</p> <p>7 footage directly from the little tiny too small monitor</p> <p>8 that is in the vehicle.</p> <p>9 Q. After the fact, if you want to get dash cam</p> <p>10 footage, for example, for a prosecutor for discovery, how</p> <p>11 do you get it?</p> <p>12 A. I've never done that, so I don't know.</p> <p>13 Q. Is there a program that you're aware of or</p> <p>14 somewhere on the servers at the police station that you</p> <p>15 can log into to see dash cam videos?</p> <p>16 A. WatchGuard.</p> <p>17 Q. So it has dash cam and body cam?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you know, similar to what I asked you before,</p> <p>20 whether there's any policies and procedures speaking to</p> <p>21 how long dash cam footage should be maintained by the</p> <p>22 police department?</p> <p>23 A. There is policies, but if you're asking me if I</p> <p>24 know them, I don't. I don't know the wording. I don't</p> <p>25 know how long each individual recording is saved.</p>	<p style="text-align: right;">54</p> <p>1 Q. Is it your understanding that there is some time</p> <p>2 period after which body cam footage and dash cam footage</p> <p>3 is automatically deleted by the system?</p> <p>4 A. Officially, I do not know that. I can -- I</p> <p>5 don't want to speculate because I can only tell you what</p> <p>6 I've heard, but what I know is no.</p> <p>7 Q. What have you heard?</p> <p>8 A. A year or six months or 30 days depending, but</p> <p>9 once again, I can't verify that because I haven't seen it</p> <p>10 and I don't know that for myself.</p> <p>11 Q. Who have you heard that from?</p> <p>12 A. Just other officers, in general.</p> <p>13 Q. After this incident that is the subject of this</p> <p>14 litigation involving Mr. Thompson's Harley-Davidson, did</p> <p>15 you ever review any of your body cam footage that you</p> <p>16 recorded that evening?</p> <p>17 A. I did not.</p> <p>18 Q. Did you ever review any of your dash cam footage</p> <p>19 that you recorded that evening?</p> <p>20 A. I had no reason to. I did not.</p> <p>21 Q. Did anyone ever ask you to preserve your body</p> <p>22 cam footage from that evening?</p> <p>23 A. No, sir.</p> <p>24 Q. Did anyone ever ask you to preserve your dash</p> <p>25 cam footage from that evening?</p>
<p style="text-align: right;">55</p> <p>1 A. No, sir.</p> <p>2 Q. I am going to show you what I have marked as</p> <p>3 Exhibit 7. Have you ever seen -- and take a minute to</p> <p>4 look at it, have you ever seen Exhibit 7?</p> <p>5 A. No, sir, I have not.</p> <p>6 Q. If you can look at the second page, please.</p> <p>7 A. Sure. No, sir, I have not seen this.</p> <p>8 Q. Is it your testimony that to this day you've</p> <p>9 never actually seen Exhibit 7?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So as I hand it to you during this deposition,</p> <p>12 it's the first time you've ever seen this document?</p> <p>13 A. Yes, sir, it is.</p> <p>14 Q. Including the attachment, i.e., the formal letter</p> <p>15 dated November 14th, 2022?</p> <p>16 A. Yes, sir.</p> <p>17 Q. If you look at Exhibit 7 right now, do you see</p> <p>18 that it is an e-mail, subject line preservation letter</p> <p>19 dated November 14 of 2022?</p> <p>20 MS. ROBERTSON: Just a running objection,</p> <p>21 object to foundation. You can answer if you</p> <p>22 know.</p> <p>23 A. I -- I see that, what you're saying, sir.</p> <p>24 (Plaintiff's Deposition Exhibit No. 7 was</p> <p>25 identified for the record.)</p>	<p style="text-align: right;">56</p> <p>1 Q. (By Mr. Gelfand): I'm just asking if you see it</p> <p>2 on the document?</p> <p>3 A. Yes.</p> <p>4 Q. Yes?</p> <p>5 A. Right there.</p> <p>6 Q. And do you see that this e-mail at least on the</p> <p>7 face of the document was sent to Mr. Rost and Ms. Seele?</p> <p>8 MS. ROBERTSON: Same objection.</p> <p>9 A. I don't know who that is.</p> <p>10 Q. (By Mr. Gelfand): Have you ever interacted with</p> <p>11 the city attorneys at Manchester?</p> <p>12 A. Before this point or before this case, no.</p> <p>13 Q. Okay. There is an e-mail address here</p> <p>14 police@manchestermo.gov. Do you recognize that e-mail</p> <p>15 address?</p> <p>16 A. I do not.</p> <p>17 Q. Did you drive a police vehicle to this</p> <p>18 deposition today?</p> <p>19 A. To this -- to this deposition, yes, sir, I did.</p> <p>20 Q. On the back of your police vehicle does it say</p> <p>21 ManchesterMo.gov?</p> <p>22 A. It's embarrassing, but I don't know. I would</p> <p>23 have to go look.</p> <p>24 Q. Okay. Do you recognize what the domain name</p> <p>25 ManchesterMo.gov is?</p>

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15 (Pages 57 to 60)

<p style="text-align: right;">57</p> <p>1 A. Yes. 2 Q. Okay. What is it? 3 A. That is the e-mail domain. 4 Q. Do you have any knowledge of who, if anyone, 5 accesses e-mails sent to the account 6 police@manchestermo.gov? 7 A. I do not, sir. 8 Q. Now, in your interrogatories, Exhibit 12, you 9 reference, and I'll direct your attention to it, two 10 general order numbers on page 6 in response to 11 Interrogatory No. 11. 12 A. We're on -- which one are we on, sir, Number 11 13 or Number -- 14 Q. Eleven. 15 A. Okay. 16 Q. Do you see where your answer says, See general 17 order numbers 441 and 456? 18 A. I do. 19 Q. What is general order number 441? 20 A. General order 441 deals with maintaining the 21 peace during self-help repossessions and towing vehicles, 22 personal property disputes. 23 Q. And what is 456? 24 A. 456, I don't know. 25 Q. Okay.</p>	<p style="text-align: right;">58</p> <p>1 A. I would have to look at it. 2 Q. I'm not trying to trick you. 3 A. No, I get it. 4 Q. Does that help you? 5 A. Thank you. 6 Q. Do you know what 456 is? 7 A. Now I do. 8 Q. What is it? 9 A. Property lockouts and vehicle towing. 10 Q. Okay. 11 A. That hurt, just a little bit. 12 Q. Let's -- let's start simple with 456. I'm going 13 to show you what I've marked as Exhibit 3. 14 (Plaintiff's Deposition Exhibit No. 3 was 15 identified for the record.) 16 Q. (By Mr. Gelfand): Was anything you were doing a 17 property lockout? 18 A. No, sir. 19 Q. Or a vehicle lockout? 20 A. No, sir. 21 Q. What is a vehicle lockout? 22 A. A vehicle lockout happens quite a bit actually. 23 It's where somebody has either locked their keys in a 24 vehicle, doesn't have access to it and they need us to 25 respond and open the vehicle.</p>
<p style="text-align: right;">59</p> <p>1 Q. That had nothing to do with what you're doing 2 here; right? 3 A. No, sir. 4 Q. Was this vehicle, meaning the Harley-Davidson 5 2003 towed? 6 A. No, sir. 7 Q. If we look at page 2 of Exhibit 3, order number 8 456, do you see where it says policy? 9 A. Yes, sir. 10 Q. It says, An officer may remove or cause to be 11 removed any vehicle from a street, highway, public or 12 private property to the nearest garage or other place of 13 safety or to a garage designated or maintained by the City 14 of Manchester under any of the below described 15 circumstances, after it is determined that there is no 16 other way to safely remove the vehicle. Did I read that 17 correctly? 18 A. Yes, sir. Very good. 19 Q. Is that what you did here? 20 A. No, the vehicle was not towed. 21 Q. If we look at page 4, do you see the police 22 department tow procedures? 23 A. Yes, sir. 24 Q. Can we agree that you did not complete an MPD 25 Form 003, a DOR Form 4569 and an MPD Form 038 or any of</p>	<p style="text-align: right;">60</p> <p>1 those forms for that matter, in connection with this 2 matter? 3 A. In connection with this matter, no, sir. 4 Q. Meaning that is accurate? 5 A. That is accurate, sir. 6 Q. Fair to say that -- and let me be clear, I'm not 7 critical of you putting it in your interrogatories 8 response, but is it fair to say that order number 456 has 9 really nothing to do with this case, because there was not 10 a towed vehicle or a property lockout? 11 A. No, that would be incorrect. 12 Q. Okay. How does 456 factor into this case? 13 A. If you look at 456-07, repossessed vehicles, it 14 would explain that -- well -- 15 Q. Let's talk about that. Do you see 456.07 16 indicating that an officer is to generate a towed vehicle 17 report on the ITIRMS, whatever that is? 18 A. That's our reporting system, sir. 19 Q. Okay. Do you see that? 20 A. I do see that. 21 Q. Did you do that here? 22 A. I did not. Okay. So -- 23 Q. Is the reason you didn't do that was because 24 this was not a vehicle repossession? 25 A. That's right, sir. That's what I get for</p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 thinking; it hurts sometimes.</p> <p>2 Q. Fair to say that 456 has nothing to do with any</p> <p>3 of this?</p> <p>4 A. Yes, sir, that would be fair.</p> <p>5 Q. Okay. Now, let's look at 441.</p> <p>6 A. Do you want this back?</p> <p>7 Q. You can just keep it and make a pile.</p> <p>8 A. Okay. I'm sorry.</p> <p>9 Q. Because the court reporter is ultimately going</p> <p>10 to keep possession of it. Keep possession. No pressure.</p> <p>11 Do you have Exhibit 441 in front of you?</p> <p>12 A. I do not.</p> <p>13 Q. I'm going to show you Exhibit 2.</p> <p>14 A. After this, can we take a break for a second?</p> <p>15 Q. We can take a break right now.</p> <p>16 A. Just for thirty seconds.</p> <p>17 MR. GELFAND: Let's take a -- we've been</p> <p>18 going.</p> <p>19 MS. ROBERTSON: Yeah, let's --</p> <p>20 MR. GELFAND: The one -- one thing I</p> <p>21 haven't told you which I always forget to tell</p> <p>22 you and don't intend to is, we're not in any</p> <p>23 race. If you want to take a break at any</p> <p>24 point --</p> <p>25 THE WITNESS: Okay.</p>	<p style="text-align: right;">62</p> <p>1 MR. GELFAND: Like now, when there's no</p> <p>2 real meaningful question pending.</p> <p>3 (Off the record.)</p> <p>4 Q. (By Mr. Gelfand): Officer, you understand that</p> <p>5 after the recess you're still testifying under oath?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. Do you still have Exhibit 2, I believe,</p> <p>8 in front of you?</p> <p>9 A. Yes, sir. Exhibit 2.</p> <p>10 Q. Yes. Okay. And is that general order number</p> <p>11 No. 441?</p> <p>12 A. It is, sir.</p> <p>13 (Plaintiff's Deposition Exhibit No. 2 was</p> <p>14 identified for the record.)</p> <p>15 Q. (By Mr. Gelfand): It says, The purpose of this</p> <p>16 general order is to establish procedures to follow when</p> <p>17 property interests are in dispute or this department is</p> <p>18 notified of vehicle repossessions. Correct?</p> <p>19 A. That is correct, sir.</p> <p>20 Q. And it says, The policy -- the officer should</p> <p>21 not attempt to take personal property away from one party</p> <p>22 and give it to another. Correct?</p> <p>23 A. It does say that, sir.</p> <p>24 Q. When we look at procedure, do you see 441.02?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">63</p> <p>1 Q. Tell me if I'm reading this correctly. When</p> <p>2 property is in dispute, the officer should advise and</p> <p>3 permit the courts to determine their respective rights to</p> <p>4 the property. The officer should advise the party in</p> <p>5 possession of the property not to dispose of it until the</p> <p>6 courts have resolved the matter. Did I read that</p> <p>7 correctly?</p> <p>8 A. You did read that correctly.</p> <p>9 Q. And then finally, it says, If one party has a</p> <p>10 court order which appears to give that party the right to</p> <p>11 possession of the property, that order should be enforced</p> <p>12 only by the official specifically directed to do so in the</p> <p>13 order. Officers are advised to beware of court orders of</p> <p>14 a suspicious nature. Did I read that correctly?</p> <p>15 A. You did read the correctly, sir.</p> <p>16 Q. In a nutshell, this is basically saying courts</p> <p>17 get to make the decision in property disputes not police</p> <p>18 officers; correct?</p> <p>19 MS. ROBERTSON: Object to form, calls for a</p> <p>20 legal conclusion, calls for speculation.</p> <p>21 Q. (By Mr. Gelfand): Did I not just read that?</p> <p>22 A. You did just read that, sir, but I would</p> <p>23 disagree. With -- with the respect that this general</p> <p>24 order deals with official vehicle repossessions where if</p> <p>25 you look at section C, an officer gets dispatched to take</p>	<p style="text-align: right;">64</p> <p>1 the report. An officer arrives at the scene. They meet</p> <p>2 with the repossession agent, and they obtain a full</p> <p>3 description of the vehicle being repossessed and the name</p> <p>4 of the company performing that. You run the vehicle VIN</p> <p>5 and license plate at the DOR registration and obtain a</p> <p>6 printout of the results. Have the repossession entered</p> <p>7 into the appropriate computer databases, REJIS, MULES,</p> <p>8 NCIC and obtain a printout of the computer entry.</p> <p>9 This section is -- deals with official vehicle</p> <p>10 repossessions, basically a repossession company. Let's</p> <p>11 say --</p> <p>12 Q. And I don't think we're disagreeing with each</p> <p>13 other. This -- what happened here on October 22 of 2022</p> <p>14 at Mr. Thompson's house was not an official vehicle</p> <p>15 repossession with a repossession company; correct?</p> <p>16 A. Yes, sir, that is correct.</p> <p>17 Q. Okay. And is it fair to say that this order,</p> <p>18 number 441, addresses that circumstance, the official</p> <p>19 vehicle repossession by a repossession company that was</p> <p>20 not applicable here?</p> <p>21 A. It is applicable here because there in section</p> <p>22 C, numbers 1, 2 and 3 were things that I did before the</p> <p>23 vehicle was taken.</p> <p>24 Q. Well, let's talk about that. Did you identify</p> <p>25 the name of the company performing the vehicle</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 repossession?</p> <p>2 A. No, sir. So if you read section 1, I was</p> <p>3 dispatched to take a report.</p> <p>4 Q. No, I understand, but I just went --</p> <p>5 A. Okay.</p> <p>6 Q. -- to number 2 because --</p> <p>7 A. Okay.</p> <p>8 Q. -- I knew you were dispatched.</p> <p>9 A. The repossession agent, I guess in this case was</p> <p>10 Ms. Elmore.</p> <p>11 Q. Well, let's talk about that.</p> <p>12 A. Okay.</p> <p>13 Q. Based on what?</p> <p>14 A. No, she was -- she was the reporting party</p> <p>15 that -- that said that --</p> <p>16 Q. So come on, you weren't actually considering her</p> <p>17 to be a repossession --</p> <p>18 A. No, sir.</p> <p>19 Q. -- agent --</p> <p>20 A. I was not.</p> <p>21 Q. Okay.</p> <p>22 A. But this -- if -- if we say that this 441 in</p> <p>23 general had nothing to do with what happened that night,</p> <p>24 there are a couple of things that I did do that were --</p> <p>25 that are on this. One, you know, it's number three, I ran</p>	<p style="text-align: right;">66</p> <p>1 the vehicle VIN and license plate for the DOR</p> <p>2 registration. I did not do the -- do -- print out the</p> <p>3 results, but I did run the VIN.</p> <p>4 Q. Okay.</p> <p>5 A. So --</p> <p>6 Q. And you didn't do the ITI system; correct?</p> <p>7 A. No, sir, I did not.</p> <p>8 Q. Okay. So, notwithstanding the clarification, I</p> <p>9 think I understand what you're saying.</p> <p>10 A. Okay. Okay.</p> <p>11 Q. The bottom line is, you're not claiming that Ms.</p> <p>12 Elmore was the repo company; right?</p> <p>13 A. No, sir, I am not.</p> <p>14 Q. Like the show Repo Man or whatever it's called?</p> <p>15 A. I've seen that, that's actually pretty cool.</p> <p>16 Q. It is pretty cool, but it has nothing to do with</p> <p>17 what happened that night; correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay. Now, if we jump -- if we go back to that</p> <p>20 night for a second, when you arrived at Mr. Thompson's</p> <p>21 house, Mr. Thompson was in possession of the</p> <p>22 Harley-Davidson insofar as it was parked in his gated</p> <p>23 backyard; correct?</p> <p>24 MS. ROBERTSON: Objection, calls for</p> <p>25 speculation, calls for a legal conclusion. You</p>
<p style="text-align: right;">67</p> <p>1 can answer if you know.</p> <p>2 A. I don't understand the question, sir.</p> <p>3 Q. (By Mr. Gelfand): When you arrived at the</p> <p>4 house, the Harley-Davidson was parked in Mr. Thompson's</p> <p>5 gated backyard; correct?</p> <p>6 A. Correct.</p> <p>7 Q. Fenced backyard. And so in that capacity, he</p> <p>8 was in possession of it, no different than if my car is in</p> <p>9 my garage and I am in possession of it, even if I'm not</p> <p>10 home; correct?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. Now, when you left Mr. Thompson's house</p> <p>13 in this first call, so to speak, Mr. Mackenzie and Ms.</p> <p>14 Elmore were in possession of Mr. Thompson's</p> <p>15 Harley-Davidson motorcycle; correct?</p> <p>16 A. That is correct.</p> <p>17 Q. I am going to show you Exhibit 4. Can you tell</p> <p>18 me if you recognize Exhibit 4?</p> <p>19 A. I do.</p> <p>20 Q. What is Exhibit 4?</p> <p>21 A. It's the police report.</p> <p>22 Q. And is this a police report that you personally</p> <p>23 prepared in connection with the incident that is the</p> <p>24 subject of this lawsuit?</p> <p>25 A. The initial, yes.</p>	<p style="text-align: right;">68</p> <p>1 (Plaintiff's Deposition Exhibit No. 4 was</p> <p>2 identified for the record.)</p> <p>3 Q. (By Mr. Gelfand): And just be clear so that</p> <p>4 we're clear for the record, this references the Thompson</p> <p>5 residence, the address you responded to and the date and</p> <p>6 time of dispatch, at least approximately; correct?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. Officer Cockrell was there with you;</p> <p>9 correct?</p> <p>10 A. He was.</p> <p>11 Q. Were there any other officers in this initial</p> <p>12 call that were physically present with you?</p> <p>13 A. In the initial call, no.</p> <p>14 Q. Why is Officer Cockrell's name not mentioned as</p> <p>15 an officer in this police report anywhere?</p> <p>16 A. That's a good question, sir. I don't know.</p> <p>17 Q. If we look at -- you see these numbers on the</p> <p>18 bottom, we call them Bates numbers.</p> <p>19 A. I have no idea what that is.</p> <p>20 Q. No, I'm saying these are numbers -- we can go</p> <p>21 off the record for a second.</p> <p>22 (Off the record.)</p> <p>23 Q. (By Mr. Gelfand): Do you see MPD 0002?</p> <p>24 A. I do.</p> <p>25 Q. I'm sorry, if you'll go to the next page 0003,</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 you describe a 2003 Harley-Davidson trike with a VIN 2 number of 1HD1GDV353K323459; correct? 3 A. Yes, sir. 4 Q. Black in color; correct? 5 A. Yes, sir. 6 Q. And you would agree with me that that is the 7 Harley-Davidson that is at issue in this lawsuit? 8 A. I would agree with you, sir. 9 Q. Okay. Do you know anything about Harleys? 10 A. I do not. 11 Q. Are you a motorcycle enthusiast? 12 A. I have -- I would love to be, but unfortunately, 13 my better half won't allow me. 14 Q. Have you ever ridden a Harley? 15 A. I wish. Once again, no, I have not, sir. 16 Q. Do you know anything about the nature of this 17 particular Harley, for example, whether it was a 18 collector's edition, whether it was rare, whether it's 19 custom in any way? 20 A. I do not. 21 Q. You said in your police report on page MPD 0003, 22 Mackenzie then started the vehicle with the key and was 23 able to get it out through the open gate and around the 24 Jeep. Did I read that correctly? 25 A. Yes.</p>	<p style="text-align: right;">70</p> <p>1 Q. Are you aware that this particular Harley 2 doesn't actually have a key? 3 MS. ROBERTSON: Objection, calls for 4 speculation. You can answer if you know. 5 A. No. 6 Q. (By Mr. Gelfand): I'm going to show you 7 Exhibit 15. Did you, when you were on-scene at 8 Mr. Thompson's house with the Harley, ever see what's 9 depicted in Exhibit 15, which is that it starts with a 10 toggle switch instead of a key? 11 (Plaintiff's Deposition Exhibit No. 15 12 was identified for the record.) 13 MS. ROBERTSON: Objection, calls for 14 speculation. Object to foundation. Object to 15 form. 16 A. No, sir. I do not recognize that. I never saw 17 it. 18 Q. (By Mr. Gelfand): As a police officer, would 19 you agree with me that if someone claims this is my key to 20 my car, one way of determining whether that is true is to 21 see if the key actually fits into the key slot? 22 A. That would be one way, yes, sir. 23 Q. Did you do anything at all to confirm whether 24 the key that Mr. Mackenzie showed you had anything to do 25 with the Harley?</p>
<p style="text-align: right;">71</p> <p>1 A. No, sir. 2 Q. The next sentence says, Elmore and Mackenzie 3 were then allowed to leave. Did I read that correctly? 4 A. You did read that correctly. 5 Q. What did you mean when you say, Elmore and 6 Mackenzie were then allowed to leave? 7 A. That meaning once the vehicle was started they 8 left. 9 Q. And to be clear, they left with the 10 understanding that you and Officer Cockrell were okay with 11 them leaving with the bike? 12 A. Yes, sir. 13 Q. After they left, what, if anything, did you do 14 at the property in this first response? 15 A. After they left? 16 Q. Yes. 17 A. I returned to my vehicle, and I went back in 18 service. 19 Q. Was there a time later that evening -- let's 20 back up for a second. 21 Before we -- before you left and before they 22 left with the vehicle, did you physically touch the 23 motorcycle at anytime? 24 A. No, sir. 25 Q. Did Officer Cockrell physically touch the</p>	<p style="text-align: right;">72</p> <p>1 motorcycle at any time? 2 A. I can't say because I don't -- once again, I -- 3 I was concentrating on what I was doing, not what he was 4 doing, so I can't tell you that. 5 Q. During the pendency of the entire call, were you 6 and Officer Cockrell both working in your capacity as law 7 enforcement officers at all times? 8 A. Yes, sir. 9 Q. Were you wearing police uniforms at all times? 10 A. Yes, sir. 11 Q. Were you wearing badges at all times? 12 A. No, I was not wearing the badge. 13 Q. Did you have a badge? 14 A. I did have a badge, yes, sir. 15 Q. To the best of your knowledge, did Officer 16 Cockrell have a badge? 17 A. Yes, sir. 18 Q. Did you both have police issued firearms? 19 A. We did, sir. 20 Q. And did you both respond to the call in police 21 vehicles? 22 A. Yes, we did, sir. 23 Q. Can we agree that when you and Officer Cockrell 24 allowed Ms. Elmore and Mr. Mackenzie to leave with 25 Mr. Thompson's motorcycle, the Harley-Davidson at issue in</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 this case, no court had ever said that they had the right 2 to that bike? 3 MS. ROBERTSON: Objection, calls for 4 speculation. Object to form. 5 A. Your statement that -- that we allowed them to 6 leave with Mr. Thompson's motorcycle, at the time I had no 7 reason to believe it was Mr. Thompson's motorcycle. 8 Q. (By Mr. Gelfand): No reason? 9 A. Beyond the legal running the VIN number, the 10 title that they showed me at that time at that moment I 11 had no reason to believe that it was Mr. Thompson's 12 motorcycle. 13 Q. Was the fact that it was parked in 14 Mr. Thompson's private backyard a reason to believe that 15 it was his motorcycle? 16 A. No. 17 Q. Did you have any reason to believe that there 18 was a court determination that it was anybody's motorcycle 19 other than Mr. Thompson's? 20 A. That's -- 21 MS. ROBERTSON: Object to the form, calls 22 for speculation. You can answer. 23 A. Sorry. Aside from the title that they showed me 24 and running the VIN over the -- over the air, no. There 25 was no other court documents.</p>	<p style="text-align: right;">74</p> <p>1 Q. (By Mr. Gelfand): I'm asking you a simple 2 question. 3 A. Sure. 4 Q. There are some instances where courts have 5 decided a property dispute. You're familiar with that; 6 correct? 7 MS. ROBERTSON: Objection, calls for 8 speculation. 9 A. I can't be specific about that. I -- I have 10 heard that, yes. 11 Q. Do you understand, based on your training and 12 experience -- 13 A. Yes. 14 Q. -- that sometimes people may fight over whose 15 property it is -- 16 A. And they go to court, yes, sir. 17 Q. And they go to court; correct? 18 A. Correct. 19 Q. And then the court issues an order; correct? 20 A. Correct. 21 Q. And in those instances, sometimes officers may 22 truly just keep the peace to make sure that the court 23 determined rightful owner gets possession of the property; 24 correct? 25 MS. ROBERTSON: Object to form. Object</p>
<p style="text-align: right;">75</p> <p>1 to -- speculation. It assumes facts not in 2 evidence, mischaracterizes the evidence. You 3 can answer if you know it. 4 A. I don't know. 5 Q. (By Mr. Gelfand): Sitting here today, are you 6 aware that what Ms. Elmore and Mr. Mackenzie told you 7 wasn't true? 8 MS. ROBERTSON: Objection, calls for 9 speculation, calls for a legal conclusion. You 10 can answer if you know. 11 A. Sitting here today, am I aware that what they 12 told me was not true? 13 Q. Yes. 14 A. Yes, sir, I am aware. 15 Q. When you let them leave with the motorcycle that 16 night, Mr. Mackenzie and Ms. Elmore to be specific, at 17 that time had you ever spoken with Mr. Thompson? 18 MS. ROBERTSON: Object to form. 19 A. No, sir. 20 Q. (By Mr. Gelfand): At that time, had you ever 21 given Mr. Thompson the ability to provide his perspective 22 on who owned the motorcycle? 23 MS. ROBERTSON: Object to form, assumes 24 facts not in evidence. 25 A. No.</p>	<p style="text-align: right;">76</p> <p>1 Q. (By Mr. Gelfand): How much time passed from the 2 moment you knocked on Mr. Thompson's door to the moment 3 Mr. Mackenzie and Ms. Elmore left with the motorcycle? 4 A. No clue. I have no idea. 5 Q. Less than half an hour? 6 A. Considering the entirety of the call lasted 25 7 to 30 minutes, I think it's safe to say that it was less 8 than half an hour. 9 Q. Less than 20 minutes? 10 A. I don't know, sir. I'm not going to guess. 11 Q. Did you do anything at all during that time 12 period to investigate with the Department of Revenue the 13 history of the title with respect to the motorcycle? 14 A. I had no reason to at that time, sir. 15 Q. In other words, no? 16 A. In other words, no, that's correct. I'm sorry. 17 I'm not trying to be vague. 18 Q. Did you believe that at that time you could just 19 make an on-site assessment that Mr. Mackenzie and Ms. 20 Elmore were the owners of the motorcycle without needing 21 to go to a court? 22 A. Can you define on-site assessment? 23 Q. You made a decision at the time on the site -- 24 on the scene? 25 A. Correct.</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 Q. Now, I'm going to briefly show you Exhibit 5.</p> <p>2 A. Do you want this back?</p> <p>3 Q. No.</p> <p>4 A. Do you want me to just put it over here?</p> <p>5 Q. Sure. Thank you. Exhibit 5 I will represent to</p> <p>6 you was not in your interrogatories. Do you recognize</p> <p>7 Exhibit 5?</p> <p>8 A. It's general order 425.</p> <p>9 (Plaintiff's Deposition Exhibit No. 5 was</p> <p>10 identified for the record.)</p> <p>11 Q. (By Mr. Gelfand): Have you seen this before?</p> <p>12 A. I have seen it before, but I would have to read</p> <p>13 it to be able to testify to it.</p> <p>14 Q. Does general order -- first of all, let's back</p> <p>15 up for a second.</p> <p>16 A. Okay.</p> <p>17 Q. Based on your training and experience, what is a</p> <p>18 general order?</p> <p>19 A. A general order is a mandate set forth by the</p> <p>20 City of Manchester that officers must follow in all</p> <p>21 different number of cases.</p> <p>22 Q. And are these distributed to officers on or</p> <p>23 about the date that they're implemented?</p> <p>24 A. They are.</p> <p>25 Q. So by way of example, the back of Exhibit No. 5</p>	<p style="text-align: right;">78</p> <p>1 says, Distribution all department personnel. That would</p> <p>2 include people like you, Officer Cockrell, et cetera;</p> <p>3 correct?</p> <p>4 A. That would, yes, sir.</p> <p>5 Q. Each of these order numbers that we have looked</p> <p>6 at were in effect on the date that you want to</p> <p>7 Mr. Thompson's house; correct?</p> <p>8 A. In -- in effect, meaning they were valid</p> <p>9 operational directives?</p> <p>10 Q. Yes.</p> <p>11 A. Yes, okay. Yes, sir.</p> <p>12 Q. In other words, they had been -- they pre-date</p> <p>13 the call?</p> <p>14 A. Okay. I'm thinking too much. Yes, sir, you're</p> <p>15 correct.</p> <p>16 Q. No, that's fine. That's a fair clarification.</p> <p>17 Order number 425 refers to search warrants and warrantless</p> <p>18 searches; correct?</p> <p>19 A. It does.</p> <p>20 Q. And we can agree because you've testified to it</p> <p>21 that this call did not involve the execution of a search</p> <p>22 warrant; correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And similarly, I think you'll agree, if we look</p> <p>25 at page 5, Bates number MPD 000131. Do you see that?</p>
<p style="text-align: right;">79</p> <p>1 A. Yes, sir.</p> <p>2 Q. There's a list of warrantless searches that are</p> <p>3 most often encountered and authorized for various things</p> <p>4 that law enforcement might confront in certain criminal</p> <p>5 investigations; correct?</p> <p>6 A. I do see that, yes, sir.</p> <p>7 Q. Okay. You'd agree with me none of that was the</p> <p>8 basis of your entry into Mr. Thompson's backyard; correct?</p> <p>9 MS. ROBERTSON: Objection, calls for</p> <p>10 speculation, calls for a legal conclusion,</p> <p>11 misconstrues the facts in evidence in this case</p> <p>12 and assumes facts not in evidence. You can</p> <p>13 answer if you know.</p> <p>14 A. I would disagree with you.</p> <p>15 Q. (By Mr. Gelfand): Were you conducting a</p> <p>16 criminal investigation?</p> <p>17 A. No, sir.</p> <p>18 Q. Okay. So tell me which 425.06 A 1 through 7 --</p> <p>19 A. So --</p> <p>20 Q. -- exception --</p> <p>21 A. I'm sorry.</p> <p>22 Q. -- applied.</p> <p>23 MS. ROBERTSON: Objection. He just told</p> <p>24 you he wasn't conducting a criminal</p> <p>25 investigation.</p>	<p style="text-align: right;">80</p> <p>1 MR. GELFAND: I agree, but then he just</p> <p>2 told me that he disagreed with my premise.</p> <p>3 A. But a warrantless search is -- not only has to</p> <p>4 do with a criminal investigation. It can be -- it can be</p> <p>5 a keep the peace as --</p> <p>6 Q. (By Mr. Gelfand): You're talking about what</p> <p>7 you're calling the community caretaker exception?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. If you -- read this carefully because I'm</p> <p>10 not trying to trick you.</p> <p>11 A. Oh, okay.</p> <p>12 Q. This doesn't mention -- let's back up.</p> <p>13 Did your warrantless search involve a valid</p> <p>14 arrest?</p> <p>15 A. No, sir.</p> <p>16 MS. ROBERTSON: Hold on. I have an --</p> <p>17 THE WITNESS: Oh.</p> <p>18 MS. ROBERTSON: -- objection. Object to --</p> <p>19 object to form, calls for a legal conclusion and</p> <p>20 if -- I guess I don't want to continue</p> <p>21 interrupting you, so I'll just ask for a running</p> <p>22 objection if you're going to --</p> <p>23 MR. GELFAND: For 1 through 7, that's fine.</p> <p>24 MS. ROBERTSON: Okay. Yeah. Just I'm</p> <p>25 going to object to -- object to form as to the</p>

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21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 characterization and speculation and legal 2 conclusion. 3 MR. GELFAND: That's fine. 4 Q. (By Mr. Gelfand): So just to backup, so we have 5 a clean record. Did the warrantless search involve a 6 valid arrest? 7 A. No. 8 Q. Did it involve a plain view search? 9 A. Yes. 10 Q. What is your understanding of a plain view 11 search? 12 A. The motorcycle was in plain view. 13 Q. Where was it parked? 14 A. In the rear of the residence. 15 Q. Was it in plain view at a place that you 16 believed you were legally entitled to stand? 17 A. Yes, sir. 18 Q. Did you believe you were legally entitled to 19 stand in Mr. Thompson's gated backyard? 20 A. Yes. 21 MS. ROBERTSON: Objection. 22 Q. (By Mr. Gelfand): Why? 23 MS. ROBERTSON: Objection, calls for a 24 legal conclusion. 25 Q. (By Mr. Gelfand): Why?</p>	<p style="text-align: right;">82</p> <p>1 A. Sorry about that. I'm sorry. 2 Q. Why? 3 A. Why -- repeat the question, please. 4 Q. Why did you believe you could stand in 5 Mr. Thompson's gated backyard without a warrant? 6 A. Because I was conducting keeping the peace. I 7 was there to check the VIN on the vehicle to verify the 8 information. That was it. 9 Q. Well, let's back up. We'll get to that in a 10 second. 11 A. Okay. 12 Q. I think we can knock out the rest of these 13 pretty quickly. 14 A. Okay. 15 Q. Did your warrantless search involve an 16 automobile search? 17 A. No, sir. 18 Q. Did your warrantless search involve a search 19 under emergency conditions where public safety was 20 endangered? 21 A. No. 22 Q. Did your warrantless search involve a search 23 made after a valid consent had been obtained from 24 Mr. Thompson? 25 A. No.</p>
<p style="text-align: right;">83</p> <p>1 Q. Did your warrantless search involve a frisk of 2 any individual based on a reasonable suspicion that the 3 subject was armed and reasonable articulable reasons to 4 fear safety? 5 A. No. 6 Q. Did the warrantless search involve an inventory 7 search of a seized vehicle and property? 8 A. No. 9 Q. Is it your understanding that you can enter a 10 gated yard of someone's residence? 11 MS. ROBERTSON: Objection, calls for 12 speculation. 13 A. I don't know. 14 Q. (By Mr. Gelfand): Come on. If you're driving 15 down the street -- 16 A. Mm-hm. 17 Q. -- and no other facts. 18 A. Okay. 19 Q. And there's a gated backyard with a privacy 20 fence like this one -- 21 A. Mm-hm. 22 Q. -- but the gate happens to be open if that's the 23 case. Can you just enter in it and search it as a cop? 24 MS. ROBERTSON: Object to form, calls for 25 speculation.</p>	<p style="text-align: right;">84</p> <p>1 Q. (By Mr. Gelfand): You can answer. 2 A. I have to have a reason. I can't just be 3 driving down the road, not contacting anybody, not seeing 4 anything out of the ordinary, not talking to anybody, not 5 getting any kind of story from anybody. 6 Now, I would say that depending on the time of 7 the day, let's say that your scenario was 1:00 in the 8 morning, 2:00 in the morning, 3:00 in the morning and that 9 was an area that was a high crime area known for vehicle 10 break-ins, known for burglaries or other crimes, and I see 11 an open gate or an open front door to something to that 12 effect, then yes, I would stop and yes, I would make sure 13 everything is okay before I closed the door and went on. 14 Q. Prior to the bike leaving Mr. Thompson's private 15 property, what, if anything, did you do to investigate the 16 veracity, the truth of Ms. Elmore's and Mr. Mackenzie's 17 story? 18 A. That's another big word, veracity. 19 Q. Truth. 20 A. I had no reason to believe that they were lying 21 to me. I had no red flags. They told me their story. 22 They showed me a picture of the title. The vehicle was in 23 the backyard. I saw it based on the picture that they 24 showed me. That is why I entered the backyard. 25 Q. So that wasn't exactly responsive to what I was</p>

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22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 asking.</p> <p>2 A. Okay. I'm sorry.</p> <p>3 Q. What, if anything -- I think your answer is</p> <p>4 nothing, but tell me if I'm wrong. What, if anything, did</p> <p>5 you do to investigate the veracity of Ms. Elmore's and</p> <p>6 Mr. Mackenzie's story?</p> <p>7 MS. ROBERTSON: Objection, asked and</p> <p>8 answered, mischaracterizes his testimony. He</p> <p>9 answered your question. You can answer it again</p> <p>10 if you want.</p> <p>11 A. No, I'll stick with what I said.</p> <p>12 Q. (By Mr. Gelfand): Well, I'm going to ask it a</p> <p>13 different way --</p> <p>14 A. Okay.</p> <p>15 Q. -- because you -- you told me that you had no</p> <p>16 reason to doubt their story, but that's a different --</p> <p>17 that's not responsive to what you did to investigate it.</p> <p>18 You understand the difference?</p> <p>19 A. So the word I'm getting hung up on is</p> <p>20 "veracity."</p> <p>21 Q. Okay. Let me -- that's fair. Let me replace it</p> <p>22 with "truth." What, if anything, did you do to</p> <p>23 investigate prior to them leaving, whether Ms. Elmore and</p> <p>24 Mr. Mackenzie were telling the truth to you?</p> <p>25 A. After hearing their story, once again, after</p>	<p style="text-align: right;">86</p> <p>1 seeing the documents that they showed me, after running</p> <p>2 the VIN on the motorcycle which came back to Nathan Rench,</p> <p>3 that is what I did. That's the steps that I took.</p> <p>4 And then I also at that point, before they left</p> <p>5 with the motorcycle, I contacted my supervisor. I ran it</p> <p>6 by him as to what he thought and then I made the decision</p> <p>7 based on that.</p> <p>8 Q. Who is your supervisor?</p> <p>9 A. Sergeant Evan Waters.</p> <p>10 Q. How did you contact your supervisor?</p> <p>11 A. By telephone.</p> <p>12 Q. What did you tell Mr. Waters?</p> <p>13 A. I explained to Sergeant Waters the -- what I</p> <p>14 had, who I was out with. I explained to him briefly what</p> <p>15 they had said. I explained to them what I did as far as</p> <p>16 running the VIN on the motorcycle. It came back to him.</p> <p>17 I also explained to him that Mr. Mackenzie had a key,</p> <p>18 which he claimed was to the motorcycle. At that point,</p> <p>19 Sergeant Waters said yes, I could release the bike.</p> <p>20 Q. Was there anything else that you said to</p> <p>21 Sergeant Waters?</p> <p>22 A. I would have to reference my report for that.</p> <p>23 Q. Was your discussion with Sergeant Waters</p> <p>24 recorded police channels?</p> <p>25 A. It would have been on my body camera, yes, sir.</p>
<p style="text-align: right;">87</p> <p>1 Q. Was it also on your -- I hate to use this</p> <p>2 phrase, but walkie-talkie or your radio?</p> <p>3 A. Oh, my mic, no.</p> <p>4 Q. Why not?</p> <p>5 A. Because I called him on the telephone.</p> <p>6 Q. Your mic, your police issued radio, is recorded</p> <p>7 by dispatch; correct?</p> <p>8 A. I'm sorry?</p> <p>9 Q. It's recorded by dispatch; correct?</p> <p>10 A. It is.</p> <p>11 Q. And you were aware at that time that it was</p> <p>12 recorded by dispatch; correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Were you also aware at that time that your</p> <p>15 personal cell phone would not be recorded by dispatch?</p> <p>16 A. That's not the way that I thought of it, but you</p> <p>17 are correct.</p> <p>18 Q. What, if anything, specifically did Sergeant</p> <p>19 Waters tell you?</p> <p>20 A. The gist of that conversation was me basically</p> <p>21 telling him everything that happened and once explained it</p> <p>22 to him, he said that the bike could be released.</p> <p>23 However, let's -- let's take it for what it is,</p> <p>24 Sergeant Waters was not on the scene. I was on the scene.</p> <p>25 Okay. I was the one that made the final decision. Okay.</p>	<p style="text-align: right;">88</p> <p>1 I was the one that let Mackenzie and Elmore take the bike,</p> <p>2 not Sergeant Waters.</p> <p>3 Q. Okay. Prior to you letting Mr. Mackenzie and</p> <p>4 Ms. Elmore take the bike, had you reviewed any financial</p> <p>5 documents reflecting ownership of the bike? Checks?</p> <p>6 A. Thank you. No, sir.</p> <p>7 Q. Had you spoken to Mr. Thompson?</p> <p>8 A. No, sir.</p> <p>9 Q. Had you obtained any documents from any third</p> <p>10 parties, any companies, any things like that?</p> <p>11 A. No, sir. Are we done with this?</p> <p>12 Q. Yes. Did you look on CaseNet?</p> <p>13 A. I did not.</p> <p>14 Q. Did you contact the Department of Revenue?</p> <p>15 A. As far as running through -- the VIN through</p> <p>16 REJIS, that is the extent, so I would say no.</p> <p>17 Q. Okay. Later that -- so, first of all, did you</p> <p>18 testify as best as you can recall to everything that</p> <p>19 happened that first time that you were at the house?</p> <p>20 A. Yes, sir, I did.</p> <p>21 Q. Later that night, technically the following</p> <p>22 morning, did you return to Mr. Thompson's house?</p> <p>23 A. I did.</p> <p>24 Q. Approximately how much time had passed between</p> <p>25 the time you left and the time you returned?</p>

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23 (Pages 89 to 92)

<p style="text-align: right;">89</p> <p>1 A. Three hours and two minutes.</p> <p>2 Q. So do you know the exact time you returned?</p> <p>3 A. 0218.</p> <p>4 Q. 2:18 a.m.? Why did to return to the house at</p> <p>5 2:18 in the morning?</p> <p>6 A. Mr. Thompson had called and wanted to report his</p> <p>7 bike stolen.</p> <p>8 Q. And when you say he called, did he call -- as</p> <p>9 far as you understood it, 911 dispatch?</p> <p>10 A. I do not know if he called 911, but he did</p> <p>11 contact dispatch. That's how. He didn't call me or call</p> <p>12 the Manchester Police Department, I do not believe.</p> <p>13 Q. He called for police assistance in some form?</p> <p>14 A. Correct, yes, sir.</p> <p>15 Q. Did you personally respond to his residence?</p> <p>16 A. I did.</p> <p>17 Q. And this was the same shift; correct?</p> <p>18 A. It was.</p> <p>19 Q. So everything I asked you about you responding</p> <p>20 in your police car with your police uniform, badge, gun,</p> <p>21 et cetera, that all applies here, too; correct?</p> <p>22 A. It does.</p> <p>23 Q. Okay. Who else responded to the house?</p> <p>24 A. Sergeant Waters and Officer Cockrell.</p> <p>25 Q. Prior to responding to the house, did you and</p>	<p style="text-align: right;">90</p> <p>1 Officer Cockrell speak about this?</p> <p>2 A. Can you be more specific in that, sir?</p> <p>3 Q. Sure. You and Officer Cockrell a couple hours</p> <p>4 earlier had this shared experience with Ms. Elmore and</p> <p>5 Mr. Mackenzie; correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. You're then getting notice, at least preliminary</p> <p>8 notice, that Mr. Thompson is saying they stole my</p> <p>9 motorcycle or my motorcycle's gone. Did you guys have any</p> <p>10 conversation with each other?</p> <p>11 A. No, sir, we did not. We do not ride together.</p> <p>12 Our sectors are hell and gone from each other, so between</p> <p>13 the time that we left the scene and then the time that we</p> <p>14 arrived on the scene, no.</p> <p>15 Q. Did you speak with Sergeant Waters in the</p> <p>16 interim?</p> <p>17 A. In the interim, in between?</p> <p>18 Q. Yes.</p> <p>19 A. No.</p> <p>20 Q. Okay. When -- who showed up first at the house?</p> <p>21 You?</p> <p>22 A. I did. Yes, sir. I'm sorry.</p> <p>23 Q. That's okay. When you showed up at the house,</p> <p>24 what happened?</p> <p>25 A. Mr. Thompson was on his front steps and he</p>
<p style="text-align: right;">91</p> <p>1 wanted to report that his bike was stolen. He had all of</p> <p>2 the documents. He had a title, bill of sale. He had</p> <p>3 copies of checks and everything else for the motorcycle.</p> <p>4 Q. Did he give them to you?</p> <p>5 A. He did. He did not -- correctly, he showed them</p> <p>6 to me. I was able to look at them, but as far as actually</p> <p>7 getting copies of them, he kept them and brought copies to</p> <p>8 the station at a later time.</p> <p>9 Q. Okay. I'm going to show you Exhibit 6. Do you</p> <p>10 have Exhibit 6 in front of you?</p> <p>11 A. Yes, sir.</p> <p>12 Q. If you look at the first two pages, which is</p> <p>13 front and back with the first page.</p> <p>14 A. Mm-hm.</p> <p>15 Q. Is that the title that Mr. Thompson showed you</p> <p>16 that evening?</p> <p>17 A. It is a copy of the title, yes, sir.</p> <p>18 (Plaintiff's Deposition Exhibit No. 6 was</p> <p>19 identified for the record.)</p> <p>20 Q. (By Mr. Gelfand): And if we look at the second</p> <p>21 page of the title, meaning the back page of the title,</p> <p>22 does it appear to contain signatures of Nathan Rench and</p> <p>23 Ray Thompson?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Reflecting that Ray Thompson purchased the bike</p>	<p style="text-align: right;">92</p> <p>1 from Nathan Rench in March of 2020?</p> <p>2 A. Yes.</p> <p>3 Q. And that same month, March of 2020, that a Mr.</p> <p>4 Kee's lien was released?</p> <p>5 A. Jimmy Kee, yes, sir.</p> <p>6 Q. And if we look at -- it might just be easier to</p> <p>7 look at my copy.</p> <p>8 A. I gotta position my long ass legs. I'm sorry.</p> <p>9 Q. Do you see a check from Mr. Thompson to Mr. Kee</p> <p>10 reflecting payment of that lien?</p> <p>11 A. The 2175?</p> <p>12 Q. Yes.</p> <p>13 A. Yes, sir.</p> <p>14 Q. And did Mr. Thompson provide that to you?</p> <p>15 A. He did.</p> <p>16 Q. And on the last page do you see a check, a</p> <p>17 canceled check, meaning a cleared check --</p> <p>18 A. Mm-hm.</p> <p>19 Q. -- reflecting payment from Mr. Thompson to</p> <p>20 Mr. Rench in March of 2020?</p> <p>21 A. I -- I do, yes, sir.</p> <p>22 Q. With the memo line 2003 HD Trike?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Do you see handwriting at the bottom of this</p> <p>25 page?</p>

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24 (Pages 93 to 96)

<p style="text-align: right;">93</p> <p>1 A. (No verbal response.)</p> <p>2 Q. Proof of payment, buyer paid seller check?</p> <p>3 A. I do.</p> <p>4 Q. Do you recognize that handwriting?</p> <p>5 A. I don't.</p> <p>6 Q. What was your reaction when Mr. Thompson --</p> <p>7 let's back up. Is it fair to say that when Mr. Thompson</p> <p>8 showed all of this to you, it was clear that he owned the</p> <p>9 bike?</p> <p>10 MS. ROBERTSON: Objection, calls for legal</p> <p>11 conclusion, calls for speculation. You can</p> <p>12 answer if you know.</p> <p>13 A. It was clear that there was more to the case</p> <p>14 than meets the eye that Amara Elmore and Mackenzie had</p> <p>15 told me.</p> <p>16 Q. (By Mr. Gelfand): What was your reaction?</p> <p>17 A. I was shocked, surprised.</p> <p>18 Q. What did you do?</p> <p>19 A. At that point, when he showed me the documents,</p> <p>20 I stepped back. I called Amara Elmore on the telephone.</p> <p>21 I told her the facts and circumstances that Mr. Thompson</p> <p>22 had told me and I said bring the bike back.</p> <p>23 At that point, Ms. Elmore said that she had</p> <p>24 already delivered the bike to Mr. Rench and she didn't</p> <p>25 know where he was or where the bike was, but she would try</p>	<p style="text-align: right;">94</p> <p>1 to call me back.</p> <p>2 A minute or so after hanging up with her, Mr.</p> <p>3 Rench called me. He admitted what he did, said that he</p> <p>4 did it on purpose to get the bike. He also said that</p> <p>5 since Mr. Thompson hadn't registered the bike in 30 days</p> <p>6 that it was automatically his again. And he was gonna do</p> <p>7 whatever it took to keep the bike and not bring it back.</p> <p>8 Q. At that moment, did you wish that you had not</p> <p>9 let Ms. Elmore and Mr. Mackenzie take the bike?</p> <p>10 MS. ROBERTSON: Objection, relevance.</p> <p>11 Answer if you know.</p> <p>12 A. If you're asking me if I second-guessed myself</p> <p>13 at that point, no.</p> <p>14 Q. I am going to show you a couple of pictures. Do</p> <p>15 you have Exhibit 8 in front of you?</p> <p>16 A. Yes.</p> <p>17 (Plaintiff's Deposition Exhibit No. 8 was</p> <p>18 identified for the record.)</p> <p>19 Q. (By Mr. Gelfand): I will represent to you</p> <p>20 that's a Google Maps image from a different date, June of</p> <p>21 2023 according to Google.</p> <p>22 A. Okay.</p> <p>23 Q. Do you recognize that house? I'm not trying to</p> <p>24 trick you. Is that Mr. Thompson's house?</p> <p>25 A. Yeah. I'm just trying to make sure that -- that</p>
<p style="text-align: right;">95</p> <p>1 it is.</p> <p>2 Q. Is that Mr. Thompson's house?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Just to be clear, that's the house that</p> <p>5 you responded to?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 A. Sorry.</p> <p>9 Q. No problem.</p> <p>10 A. I'm not trying to --</p> <p>11 Q. On this picture, Exhibit 8, do you see a black</p> <p>12 Jeep?</p> <p>13 A. I do see a black Jeep.</p> <p>14 Q. Was that the Jeep that you ran the plates for</p> <p>15 and determined it was Mr. Thompson's?</p> <p>16 A. I don't remember.</p> <p>17 Q. Okay. I'm showing you Exhibit 9. Can you tell</p> <p>18 me, I know it cuts off your head, but who is in Exhibit 9?</p> <p>19 A. I think that's a safe bet to say that is me,</p> <p>20 sir.</p> <p>21 (Plaintiff's Deposition Exhibit No. 9 was</p> <p>22 identified for the record.)</p> <p>23 Q. (By Mr. Gelfand): Okay. Do you recognize your</p> <p>24 police vest that says your name and DSN number?</p> <p>25 A. I do. It's different now, but --</p>	<p style="text-align: right;">96</p> <p>1 Q. Was this the vest that you were wearing on the</p> <p>2 night that you responded to Mr. Thompson's house?</p> <p>3 A. Yes, it's the only vest I have. Outer vest,</p> <p>4 specifically.</p> <p>5 Q. You testified earlier, and I understand there's</p> <p>6 no dispute about this, that your body camera was on.</p> <p>7 Would you agree with me that these lights reflect that</p> <p>8 your body camera was on?</p> <p>9 A. Yes. The green power light is on. The red</p> <p>10 record light is on.</p> <p>11 Q. And this depicts a walkie-talkie -- I'm sure</p> <p>12 there's a better name for it and a mic?</p> <p>13 A. Yes, sir.</p> <p>14 Q. That is what is recorded by dispatch when you</p> <p>15 use it?</p> <p>16 A. You mean, when we speak --</p> <p>17 Q. Yes.</p> <p>18 A. -- on the radio?</p> <p>19 Q. Correct.</p> <p>20 A. Yes.</p> <p>21 Q. I am going to show you what I'm going to mark as</p> <p>22 Exhibit --</p> <p>23 MR. GELFAND: What are we on, 13?</p> <p>24 THE COURT REPORTER: Thirteen.</p> <p>25 THE WITNESS: Are we done with this one,</p>

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25 (Pages 97 to 100)

<p style="text-align: right;">97</p> <p>1 sir?</p> <p>2 MR. GELFAND: Yes.</p> <p>3 THE WITNESS: Okay. I'm sorry. I'm just</p> <p>4 trying to keep them all --</p> <p>5 MR. GELFAND: Totally fine.</p> <p>6 This is identical to the one we used</p> <p>7 yesterday but with those initials.</p> <p>8 MS. ROBERTSON: Okay.</p> <p>9 Q. (By Mr. Gelfand): Can you tell me if you</p> <p>10 recognize what is depicted in Exhibit 13?</p> <p>11 A. I would say that's Mr. Rench's rear driveway</p> <p>12 area.</p> <p>13 Q. Mr. Thompson's?</p> <p>14 A. Mr. Thompson's, I'm sorry. Yes, sir.</p> <p>15 (Plaintiff's Deposition Exhibit No. 13</p> <p>16 was identified for the record.)</p> <p>17 Q. (By Mr. Gelfand): Okay. Was that where you</p> <p>18 entered to locate and look at the VIN number of the</p> <p>19 Harley-Davidson as you testified?</p> <p>20 A. Yes, sir, in this area.</p> <p>21 Q. Would you agree with me that there's a large</p> <p>22 privacy fence surrounding the yard?</p> <p>23 A. Yes, sir, I would. A tall privacy fence, 6</p> <p>24 foot, I believe.</p> <p>25 Q. And that was there that night, too; correct?</p>	<p style="text-align: right;">98</p> <p>1 A. Yes, sir.</p> <p>2 Q. I'm going to ask you to the best of your recall,</p> <p>3 can you initial just with your initials, and draw a circle</p> <p>4 around where the bike was? If it's on that photo?</p> <p>5 A. Do you want me to circle it and initial it?</p> <p>6 Q. Yeah.</p> <p>7 A. Yes?</p> <p>8 Q. Yes.</p> <p>9 A. I don't want to ruin evidence.</p> <p>10 Q. You're not.</p> <p>11 A. Of course. I'm sorry.</p> <p>12 Q. There, you're fine.</p> <p>13 A. (Complies.) Oh, so it's not just my pen.</p> <p>14 Q. Okay. And -- thank you.</p> <p>15 A. You're welcome.</p> <p>16 Q. So the circle represents where the bike was.</p> <p>17 Where were you standing, right next to it?</p> <p>18 A. Right there.</p> <p>19 Q. Okay. That's depicted with a vertical line next</p> <p>20 to the circle?</p> <p>21 A. That's -- yes.</p> <p>22 Q. Okay. Where was Officer Cockrell?</p> <p>23 A. I do not remember where he was standing.</p> <p>24 Q. Okay. I'll take that back from you.</p> <p>25 A. Sure.</p>
<p style="text-align: right;">99</p> <p>1 Q. I'm going to show you Exhibit 11. Do you see</p> <p>2 Exhibit 11 in front of you?</p> <p>3 A. Yes, sir, I do.</p> <p>4 Q. I will represent to you that Exhibit 11 is taken</p> <p>5 from the angle looking into where the yard is with the</p> <p>6 gate?</p> <p>7 A. Mm-hm.</p> <p>8 Q. Is that correct?</p> <p>9 A. If you're saying that it's angled looking back,</p> <p>10 yes, sir.</p> <p>11 (Plaintiff's Deposition Exhibit No. 11</p> <p>12 was identified for the record.)</p> <p>13 Q. (By Mr. Gelfand): In other words, if I'm parked</p> <p>14 on the street facing the house, that's the same vantage</p> <p>15 point that's depicted in that photo?</p> <p>16 A. It would be if you were west of the house, yes,</p> <p>17 sir.</p> <p>18 Q. Okay. And just so we understand, was this</p> <p>19 driveway what you entered to get into the backyard?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And this fence that's depicted in here, this</p> <p>22 gate, that's the threshold that you used the word to pass;</p> <p>23 correct?</p> <p>24 A. Yes, sir.</p> <p>25 Q. When you went back to the house the second time,</p>	<p style="text-align: right;">100</p> <p>1 other than providing you documents, what, if anything, did</p> <p>2 Mr. Thompson tell you?</p> <p>3 A. Mr. Thompson told me that he had purchased the</p> <p>4 motorcycle from Mr. Rench two years ago, that he had paid</p> <p>5 \$5000 for it. He also mentioned that he had paid off the</p> <p>6 lien from Jimmy Kee. He told me that the reason why he</p> <p>7 had not registered it yet was because Mr. Thompson -- or</p> <p>8 no, not Mr. Thompson, I'm sorry. Mr. Rench had applied</p> <p>9 for a duplicate title after he had sold the motorcycle,</p> <p>10 and he was in a dispute with the Department of Revenue and</p> <p>11 Mr. Rench to try to get it rectified.</p> <p>12 Q. How did you respond?</p> <p>13 A. I took and wrote down the information.</p> <p>14 Q. Is it fair to say, based on what he communicated</p> <p>15 to you, that when Mr. Thompson called the police that</p> <p>16 night to report his bike missing, until officers told him,</p> <p>17 he had no clue the police were a part of this?</p> <p>18 MS. ROBERTSON: Object to form.</p> <p>19 A. I don't know. I can't answer that.</p> <p>20 Q. (By Mr. Gelfand): Can you think of a single way</p> <p>21 he would know that police were involved in this?</p> <p>22 A. I can't.</p> <p>23 Q. Did he seem surprised from what you observed</p> <p>24 when you informed him that you were actually there with</p> <p>25 Ms. Elmore and Mr. Mackenzie?</p>

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26 (Pages 101 to 104)

<p style="text-align: right;">101</p> <p>1 A. Can you rephrase the question, sir?</p> <p>2 Q. When -- let's back up.</p> <p>3 A. Okay.</p> <p>4 Q. Would you agree with me that when people report</p> <p>5 a vehicle stolen, they generally don't expect that the</p> <p>6 police had any involvement in it; right?</p> <p>7 A. If you're speaking generally, I would say, yes,</p> <p>8 you're correct.</p> <p>9 Q. And was it your understanding that Mr. Thompson,</p> <p>10 until you showed up that second time, got home, saw his</p> <p>11 bike was missing and called the police?</p> <p>12 A. Yes, sir.</p> <p>13 Q. When you informed him, as you testified a few</p> <p>14 minutes ago, to the conversation you had when you arrived</p> <p>15 that second time about what had transpired with respect to</p> <p>16 you, Officer Cockrell and Ms. Elmore and Mr. Mackenzie,</p> <p>17 did he seem surprised?</p> <p>18 A. Surprised, no.</p> <p>19 Q. How would you describe --</p> <p>20 A. Upset, very.</p> <p>21 Q. Why do you say that?</p> <p>22 A. He had every right to be upset that his bike was</p> <p>23 gone, but I don't remember him being really surprised. I</p> <p>24 know that he was upset.</p> <p>25 Q. What, if anything, did he say to you about</p>	<p style="text-align: right;">102</p> <p>1 entering his backyard?</p> <p>2 A. I don't remember.</p> <p>3 Q. Just to be clear what, if anything, did he say</p> <p>4 to other officers that were present about police entering</p> <p>5 his backyard?</p> <p>6 A. I can't speak to what he told other officers</p> <p>7 because --</p> <p>8 Q. That you heard?</p> <p>9 A. I don't remember.</p> <p>10 Q. At any time, did you tell him anything along the</p> <p>11 lines of we're the police, we can go anywhere?</p> <p>12 A. Me?</p> <p>13 Q. Yes.</p> <p>14 A. No, sir.</p> <p>15 Q. At any time, did you hear Officer Cockrell tell</p> <p>16 him something along the lines of we're the police, we can</p> <p>17 go anywhere?</p> <p>18 A. I do not remember that, no.</p> <p>19 Q. At any time, did you hear Sergeant Waters tell</p> <p>20 him anything along the lines of we're the police, we can</p> <p>21 go anywhere?</p> <p>22 A. No, sir.</p> <p>23 Q. Then what happened?</p> <p>24 A. After receiving the call from Mr. Rench, I</p> <p>25 immediately notified dispatch, I gave them the VIN number</p>
<p style="text-align: right;">103</p> <p>1 of the motorcycle and I also gave them Mr. Rench's</p> <p>2 information. The motorcycle was placed out stolen and</p> <p>3 Mr. Rench was placed on wanted for stealing.</p> <p>4 Q. And then did you leave Mr. Thompson's residence?</p> <p>5 A. If anything transpired between that time and me</p> <p>6 leaving, I don't remember.</p> <p>7 Q. Is there anything that we haven't talked about</p> <p>8 with respect to the second time that you recall happening</p> <p>9 at Mr. Thompson's residence?</p> <p>10 A. There was not.</p> <p>11 MS. ROBERTSON: Objection, vague. You can</p> <p>12 answer.</p> <p>13 Q. (By Mr. Gelfand): Do you recall any</p> <p>14 conversations we haven't talked about?</p> <p>15 A. No, sir.</p> <p>16 Q. Do you recall any police activities that we</p> <p>17 haven't talked about?</p> <p>18 A. No, sir.</p> <p>19 Q. At any time, did you interact with</p> <p>20 Mr. Thompson's brother, Jeremiah Thompson?</p> <p>21 A. At any time during that call?</p> <p>22 Q. Yes.</p> <p>23 A. No.</p> <p>24 Q. At any time, did you observe any other law</p> <p>25 enforcement on-site interact with Jeremiah Thompson?</p>	<p style="text-align: right;">104</p> <p>1 A. I can't answer that, because my focus was on</p> <p>2 Mr. Thompson and getting the information and getting it</p> <p>3 out. What Officer Cockrell and Sergeant Waters were</p> <p>4 doing, I can't testify to that because I don't know.</p> <p>5 Q. Is it fair to say that, as you said,</p> <p>6 Mr. Thompson was rightly upset, but he was fully</p> <p>7 cooperative with law enforcement; correct?</p> <p>8 A. He was cooperative, yes.</p> <p>9 Q. And on his own volition he provided you copies</p> <p>10 of the title and the checks and everything we talked</p> <p>11 about; correct?</p> <p>12 A. Big word, "volition"?</p> <p>13 Q. Sorry. He chose to give that to you, you didn't</p> <p>14 ask him for it; correct?</p> <p>15 A. I did ask him for it, and as I stated before, he</p> <p>16 had every right to make copies of it -- he didn't want to</p> <p>17 give it to me for fear that it would disappear.</p> <p>18 Q. Let me back up, I mean, did he show it to you?</p> <p>19 A. Did he --</p> <p>20 Q. Did he show it to you on his own or did you ask</p> <p>21 him for it?</p> <p>22 A. He did show it to me on his own.</p> <p>23 Q. Okay. I think you just answered my question.</p> <p>24 Who is James Yim?</p> <p>25 A. James Yim is a detective with the Department of</p>

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27 (Pages 105 to 108)

<p style="text-align: right;">105</p> <p>1 Revenue Special Investigations Unit.</p> <p>2 Q. I am going to show you what I am marking as</p> <p>3 Exhibit 6. I'm sorry. I'm not marking this as Exhibit 6.</p> <p>4 THE COURT REPORTER: Fourteen.</p> <p>5 MR. GELFAND: Exhibit 14. Thank you.</p> <p>6 Q. (By Mr. Gelfand): Do you have recognize</p> <p>7 Exhibit 14?</p> <p>8 A. (No verbal response.)</p> <p>9 Q. Let me be clear, why don't we start with the</p> <p>10 back because it's an e-mail chain. Start with the first</p> <p>11 chronologically.</p> <p>12 A. Start with this one here?</p> <p>13 Q. Yes. Do you see an e-mail from you?</p> <p>14 A. Yes.</p> <p>15 Q. Is that your e-mail address?</p> <p>16 A. Yes, it is.</p> <p>17 Q. At ManchesterMo.gov?</p> <p>18 A. Yes. On the back of the police car again.</p> <p>19 Q. To James Yim and Jason Dowdell?</p> <p>20 A. Yes.</p> <p>21 (Plaintiff's Deposition Exhibit No. 14</p> <p>22 was identified for the record.)</p> <p>23 Q. (By Mr. Gelfand): Who is Jason Dowdell?</p> <p>24 A. Jason Dowdell is or was, I should say, the</p> <p>25 detective on the case at the time.</p>	<p style="text-align: right;">106</p> <p>1 Q. With Manchester Police?</p> <p>2 A. With Manchester Police, yes, sir.</p> <p>3 Q. And in your e-mail, you ask the Department of</p> <p>4 Revenue individual, Mr. Yim, Can you please give me</p> <p>5 everything related to the VIN on this paperwork? I'm</p> <p>6 working a case with possible title fraud and would like to</p> <p>7 know everything there is regarding this VIN. Thank you,</p> <p>8 sir, and have a great day, with like a hundred exclamation</p> <p>9 points.</p> <p>10 A. Several, yes, sir.</p> <p>11 Q. Okay. You said, P.S. Detective Dowdell says Hi.</p> <p>12 PO Rob Gerholdt. And your Gerholdt -- I'm sorry, and your</p> <p>13 5375 DSN; is that correct?</p> <p>14 A. That is correct.</p> <p>15 Q. So this was October 27, 2022, so this was about</p> <p>16 five days later; correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Or maybe four days, whatever it is. But a</p> <p>19 couple days later, correct?</p> <p>20 A. Count on my finger, yes, sir.</p> <p>21 Q. At this point are you conducting an</p> <p>22 investigation?</p> <p>23 A. At this point, yes, sir, I am.</p> <p>24 Q. And in particular, you're conducting an</p> <p>25 investigation into whether Ms. Elmore, Mr. Mackenzie</p>
<p style="text-align: right;">107</p> <p>1 and/or Mr. Rench committed any crimes?</p> <p>2 A. Yes, sir.</p> <p>3 Q. At this point, are you doing anything or did you</p> <p>4 do anything to preserve your body cam and dash cam</p> <p>5 footage?</p> <p>6 A. No, sir.</p> <p>7 Q. Why not?</p> <p>8 A. I had no reason to.</p> <p>9 Q. Even though you're investigating people that are</p> <p>10 allegedly -- well, possibly committing a crime on your</p> <p>11 footage that you have video footage of?</p> <p>12 A. Right. I did not.</p> <p>13 Q. Special Agent Yim responds about a day later</p> <p>14 with the information that he has; correct?</p> <p>15 A. On October 28, yes, sir.</p> <p>16 Q. And then on October 28, there's some</p> <p>17 correspondence between Detective Dowdell and Mr. Yim;</p> <p>18 correct?</p> <p>19 A. Yes, sir. We done with this?</p> <p>20 Q. Yes.</p> <p>21 A. Okay.</p> <p>22 Q. Now, do you know, based on your subsequent</p> <p>23 investi -- well, let's back up.</p> <p>24 After you left Mr. Thompson's house that night,</p> <p>25 were there any other times that you responded to</p>	<p style="text-align: right;">108</p> <p>1 Mr. Thompson's house?</p> <p>2 A. There was one.</p> <p>3 Q. When was that?</p> <p>4 A. That was February -- it was in February when the</p> <p>5 bike had been recovered.</p> <p>6 Q. Okay. So let's back up. February of 2023?</p> <p>7 A. Yes, sir.</p> <p>8 Q. So is it fair to say that from October 22nd of</p> <p>9 2022 to February of 2023, Mr. Thompson did not have use of</p> <p>10 his Harley-Davidson?</p> <p>11 MS. ROBERTSON: Objection, calls for</p> <p>12 speculation. You can answer if you know.</p> <p>13 A. I don't know.</p> <p>14 Q. (By Mr. Gelfand): Let's back up for a second.</p> <p>15 I don't know if you've ever seen this. Have you ever seen</p> <p>16 any Triple L towing slips?</p> <p>17 A. I have not, sir. That was not part of my</p> <p>18 investigation.</p> <p>19 Q. Is it your understanding that the bike was</p> <p>20 returned to Mr. Thompson somewhere around -- without</p> <p>21 holding anyone to the exact date, February 16 of 2023?</p> <p>22 A. Again, when -- from the time that the bike was</p> <p>23 actually impounded by Owensville PD to the time that</p> <p>24 Mr. Thompson actually took repossession of the bike, I</p> <p>25 don't know.</p>

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28 (Pages 109 to 112)

<p style="text-align: right;">109</p> <p>1 Q. Do you know when Owensville PD took possession 2 of the bike? 3 A. In February, that day when Mr. Thomp -- or I'm 4 sorry, when Mr. Rench was pulled over riding the 5 motorcycle and he was arrested for driving while revoked, 6 and the bike was impounded because it was still stolen. 7 Even though we had arrested Mr. Rench prior, I'd left the 8 bike out stolen. It was impounded at that point, and then 9 when they sent the hit confirmation to Manchester, that is 10 when I responded to Mr. Thompson's house and was going to 11 tell him that the bike had been recovered and where it was 12 at. 13 Q. And did you, in fact, do that? 14 A. I did. 15 Q. On what day? 16 A. I don't remember the day. I'd have to refer to 17 my report. 18 Q. Do you remember approximately? 19 A. It was in February. 20 Q. Okay. The middle of the month? 21 A. I don't know, sir. 22 Q. Okay. Is it in the report that I gave you as 23 Exhibit 4? 24 A. It is in the report. May I access it? 25 Q. Yeah, please.</p>	<p style="text-align: right;">110</p> <p>1 A. Somewhere under all -- there it is. 12/12/2023 2 at 2030 hours, that's when I was notified by Ballwin 3 dispatch that the motorcycle had been recovered. 4 Q. 2/12 or 12/12? 5 A. 2/12. 6 Q. Okay. Would you agree with me that correlates 7 with the tow slip? 8 A. It does, sir. 9 Q. Okay. So bottom-line, October 22, 2023, to 10 February 12, 2023, represents the date range between the 11 date the bike was taken from Mr. Thompson's backyard and 12 the date that it was taken into the possession by 13 Owensville -- 14 A. Owensville. 15 Q. Owensville PD? 16 A. Yes, sir. 17 Q. Okay. And at some time after that, Mr. Thompson 18 had to go pick it up from Owensville and eventually did; 19 correct? 20 MS. ROBERTSON: Objection, calls for 21 speculation. 22 Q. (By Mr. Gelfand): Do you know? 23 A. After telling Mr. Thompson that the bike had 24 been recovered, I do not -- I don't have anything to do 25 with the investigation after that. That would have been</p>
<p style="text-align: right;">111</p> <p>1 Detective Dowdell who orchestrated that. I do know that 2 there were title issues that had to be worked out, but as 3 far as him and when he actually went to -- to -- and got 4 the bike back in his possession, I don't know. 5 Q. When you let Ms. Elmore and Mr. Mackenzie leave 6 with Mr. Thompson's 2003 Harley-Davidson, did you consider 7 your investigation complete? 8 MS. ROBERTSON: Object to form. 9 A. Again, I wasn't conducting an investigation, but 10 I considered the call complete. 11 Q. I'm going to go off the record for a minute. 12 (Off the record.) 13 Q. (By Mr. Gelfand): Back on the record after a 14 recess. With the exception of anything that you've 15 discussed with any attorney representing you in this 16 matter, what, if anything, did you do to prepare for 17 today's deposition? 18 A. To prepare for today's deposition, I read over 19 the police report as many times as I could. I also looked 20 at the directives, read over them. That's it. 21 Q. Did you speak with anyone other than your 22 attorneys about the subject matter of your deposition. 23 A. About the subject, no, because I had no idea 24 what this deposition subject matter was going to be. 25 Q. Well, the policy?</p>	<p style="text-align: right;">112</p> <p>1 A. Uh-huh. Specifically, no. Meaning what it was 2 about, I -- I didn't have to. 3 Q. Have you spoken with Officer Cockrell about his 4 deposition? 5 A. No, I haven't. I have not seen him since his 6 deposition. His was yesterday; correct? 7 Q. Yes. Have you spoken with Officer Cockrell 8 about what transpired that night? 9 A. Any time in the last year? 10 Q. Yes. 11 A. I would say that while the case was active and 12 going on while we were investigating the second half of 13 it, what was going on afterwards, he wouldn't -- he would 14 have been aware of it, but specifically asking him and 15 speaking to him about what happened that night, no. 16 Q. At this time, I have no further questions. 17 MS. ROBERTSON: I have a few questions. 18 EXAMINATION 19 BY MS. ROBERTSON: 20 Q. Officer Gerholdt, Mr. Gelfand asked you 21 regarding some things you did on October 22 of 2023 at 22 1209 Cottagemill, and some of those that had to do with 23 this was running the VIN of a vehicle or possibly a Jeep 24 in the driveway. Do you recall being asked about that? 25 A. Yes, ma'am.</p>

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29 (Pages 113 to 116)

<p style="text-align: right;">113</p> <p>1 Q. And you mentioned that you -- you contacted</p> <p>2 dispatch to run the VIN. Did you -- do you recall that?</p> <p>3 A. On the motorcycle?</p> <p>4 Q. No, on the -- I'm sorry. Did -- with respect to</p> <p>5 the vehicle in the driveway, not the motorcycle, what did</p> <p>6 you do with respect to that vehicle?</p> <p>7 A. I ran the rear license plate on the vehicle.</p> <p>8 Q. Okay. And when you're running the plate on a</p> <p>9 vehicle through dispatch, do you know what -- what they're</p> <p>10 doing?</p> <p>11 A. So the REJIS computer system interacts with the</p> <p>12 Department of Revenue regarding license plates, driver's</p> <p>13 licenses, criminal history and everything else. It's all</p> <p>14 tied in together.</p> <p>15 Q. Okay. And I think Mr. Gelfand -- you know what,</p> <p>16 I'm going to -- I'm going to ask you that in a minute.</p> <p>17 Sorry.</p> <p>18 With respect to -- to running the plate on the</p> <p>19 vehicle in the driveway, did you do anything between</p> <p>20 running that plate and -- and walking into the backyard?</p> <p>21 A. I did. After I ran the plate, I took a few</p> <p>22 steps out into the grassy area where I could see into the</p> <p>23 backyard and that's where I saw the motorcycle.</p> <p>24 Q. Okay. I'm going to mark this as a Defendant's</p> <p>25 Exhibit A.</p>	<p style="text-align: right;">114</p> <p>1 MS. ROBERTSON: I apologize. I didn't make</p> <p>2 copies, so --</p> <p>3 MR. GELFAND: That's fine.</p> <p>4 MS. ROBERTSON: I didn't anticipate --</p> <p>5 THE WITNESS: Do I need to write anything</p> <p>6 on this?</p> <p>7 MS. ROBERTSON: Not yet.</p> <p>8 THE WITNESS: Okay.</p> <p>9 Q. (By Ms. Robertson): Officer Gerholdt, do you</p> <p>10 have Defendants' Exhibit A in front of you?</p> <p>11 A. I do.</p> <p>12 Q. Okay. And do you recognize what's depicted in</p> <p>13 Defendants' Exhibit A?</p> <p>14 A. I do.</p> <p>15 Q. Okay. It's -- it's a photograph; correct?</p> <p>16 A. Correct.</p> <p>17 Q. What's depicted?</p> <p>18 A. This is a view from the rear area inside the</p> <p>19 fence -- the enclosed fenced area looking out into the</p> <p>20 street.</p> <p>21 (Defendants' Deposition Exhibit A was</p> <p>22 identified for the record.)</p> <p>23 Q. (By Mr. Gelfand): Okay. And I'm going to mark</p> <p>24 this as Defendants' Exhibit B. And, Officer Gerholdt,</p> <p>25 Defendants' B is a photograph; correct?</p>
<p style="text-align: right;">115</p> <p>1 A. It is.</p> <p>2 Q. Do you recognize what's depicted in Exhibit B?</p> <p>3 A. This is looking south on the driveway of 1209</p> <p>4 Cottagemill.</p> <p>5 (Defendants' Deposition Exhibit B was</p> <p>6 identified for the record.)</p> <p>7 Q. (By Ms. Robertson): Do either Exhibit A or</p> <p>8 Exhibit B show what you did after or show where you --</p> <p>9 where you -- where you walked after you ran the plate?</p> <p>10 A. Both of them do.</p> <p>11 Q. Okay. And can you describe for me where you</p> <p>12 walked after you ran the plate on the Jeep or vehicle that</p> <p>13 was in the driveway?</p> <p>14 A. I walked west into the grass, towards the tree,</p> <p>15 and from that point I could look back into the driveway</p> <p>16 and see the motorcycle.</p> <p>17 Q. Okay. Do you recall where you were -- strike</p> <p>18 that.</p> <p>19 You walked into the grass?</p> <p>20 A. I did.</p> <p>21 Q. Okay. And that's not in the backyard, that's in</p> <p>22 the front of the house; correct?</p> <p>23 A. That is correct.</p> <p>24 Q. And from that vantage point, were you able to</p> <p>25 see the motorcycle?</p>	<p style="text-align: right;">116</p> <p>1 A. I was.</p> <p>2 Q. And when you arrived at Mr. Thompson's</p> <p>3 residence, was the gate open?</p> <p>4 A. The gate was open, yes.</p> <p>5 Q. Do you know who opened the gate?</p> <p>6 A. I do not.</p> <p>7 Q. Did you open the gate?</p> <p>8 A. No.</p> <p>9 Q. After observing the motorcycle from the grass,</p> <p>10 what did you do next?</p> <p>11 A. After observing the motorcycle from the grass,</p> <p>12 that's when I entered the rear yard to check the</p> <p>13 motorcycle.</p> <p>14 Q. Mr. Gelfand later asked you about steps you may</p> <p>15 have taken to investigate and he asked you something to</p> <p>16 the effect of you did not investigate with DOR. Do you</p> <p>17 recall being asked that?</p> <p>18 A. I do.</p> <p>19 Q. Okay. When you -- when you walked into the</p> <p>20 backyard, you observed the VIN on the motorcycle, I</p> <p>21 believe you said on the right fork; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. And then you -- did you radio that vehicle</p> <p>24 identification number through dispatch?</p> <p>25 A. I did.</p>

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30 (Pages 117 to 120)

<p style="text-align: right;">117</p> <p>1 Q. And what does that do?</p> <p>2 A. That initiates a search through the Department</p> <p>3 of Revenue records for the VIN as to current ownership or</p> <p>4 if it's lost or stolen or any other information on it.</p> <p>5 Q. Did dispatch then contact you with the result?</p> <p>6 A. They did.</p> <p>7 Q. What was the result?</p> <p>8 A. The result that the VIN came back to Nathan</p> <p>9 Rench.</p> <p>10 Q. The VIN did not come back to Raymond Thompson;</p> <p>11 is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. And what did that indicate to you?</p> <p>14 A. That indicated that it belonged to Mr. Rench.</p> <p>15 Q. And that Raymond Thompson was not the owner of</p> <p>16 the motorcycle; correct?</p> <p>17 A. Correct.</p> <p>18 MR. GELFAND: Object to the form.</p> <p>19 Q. (By Ms. Robertson): Then Mr. Gelfand later</p> <p>20 asked you about what you did to investigate the veracity</p> <p>21 of Ms. Elmore or Mr. Mackenzie. So in your training and</p> <p>22 experience as a law enforcement officer, can you tell me</p> <p>23 what you do to assess credibility?</p> <p>24 A. Assessing credibility starts with the first</p> <p>25 contact with the person. How they talk to you, how they</p>	<p style="text-align: right;">118</p> <p>1 look at you, the statements that they make, all lends to</p> <p>2 credibility. The -- the fact that they had a picture of</p> <p>3 the bike, the fact that they had a picture of the title,</p> <p>4 all goes towards credibility. That's why it didn't throw</p> <p>5 up any red flags.</p> <p>6 Q. When -- in your training and experience as a law</p> <p>7 enforcement officer, how can you tell someone's lying to</p> <p>8 you?</p> <p>9 A. Well, unfortunately in this case, I was lied to,</p> <p>10 but for the most part they don't look at you in the eye.</p> <p>11 They don't have proper documents. They -- their stories</p> <p>12 are all over the place. They'll say one thing one second,</p> <p>13 then say another thing another second. They won't be able</p> <p>14 to support any of their claims.</p> <p>15 Q. Did Ms. Elmore do any of those things in this</p> <p>16 case?</p> <p>17 A. She did not.</p> <p>18 Q. You testified earlier that you saw no -- no red</p> <p>19 flags. What did you mean by that?</p> <p>20 A. What I mean by a red flag it's just what we just</p> <p>21 discussed, basically how the story is that they tell, what</p> <p>22 documents they have, are they -- are they kind of looking</p> <p>23 like they're hiding something, are they stammering, are</p> <p>24 they not looking me in the eye, that kind of thing.</p> <p>25 Q. Okay. On October 22 and October 23, the first</p>
<p style="text-align: right;">119</p> <p>1 time you responded to Mr. Thompson's residence, was anyone</p> <p>2 present other than yourself, Officer Cockrell, Amara</p> <p>3 Elmore or Steven Mackenzie to the best of your knowledge?</p> <p>4 A. To the best of my knowledge, no, there was</p> <p>5 nobody else there.</p> <p>6 Q. Did you speak with Jeremiah Thompson on</p> <p>7 October 22 of 2022? That would have been your first time</p> <p>8 to the residence.</p> <p>9 A. I did not.</p> <p>10 Q. Did you speak with Raymond Thompson at that</p> <p>11 time?</p> <p>12 A. During my first visit to that house?</p> <p>13 Q. During your first visit.</p> <p>14 A. No, I did not.</p> <p>15 Q. Okay. During your subsequent visit, was</p> <p>16 Jeremiah Thompson present, to the best of your knowledge?</p> <p>17 A. I did not know who Jeremiah Thompson was at that</p> <p>18 point. He was not present as far as I know.</p> <p>19 Q. Okay. Is Raymond -- other than law enforcement</p> <p>20 officers during your subsequent visit, is -- is Raymond</p> <p>21 Thompson the only individual you spoke with?</p> <p>22 A. When I responded back for the stolen vehicle</p> <p>23 report, yes, Raymond Thompson was the only one I spoke</p> <p>24 with that night.</p> <p>25 Q. Did you observe anyone else other than law</p>	<p style="text-align: right;">120</p> <p>1 enforcement officers and Raymond Thompson that evening?</p> <p>2 A. I did not. My -- my direction was -- or my</p> <p>3 attention was drawn to Mr. Thompson.</p> <p>4 MS. ROBERTSON: Something funny? Is</p> <p>5 something funny, Mr. Gelfand?</p> <p>6 MR. GELFAND: Is something funny?</p> <p>7 MS. ROBERTSON: Is something funny? You</p> <p>8 just had a smirk on your face. I wasn't sure if</p> <p>9 I could help you with anything.</p> <p>10 MR. GELFAND: There is no smirk on my face.</p> <p>11 You can continue asking questions.</p> <p>12 MS. ROBERTSON: I don't have anything</p> <p>13 further.</p> <p>14 MR. GELFAND: I have a couple of follow-up</p> <p>15 questions, Officer Gerholdt.</p> <p>16 FURTHER EXAMINATION</p> <p>17 BY MR. GELFAND:</p> <p>18 Q. Let me direct your attention to Defense Exhibits</p> <p>19 A and B. You testified that you were standing on a grassy</p> <p>20 area essentially looking into Mr. Thompson's backyard</p> <p>21 before you entered the backyard. Is that correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Is it fair to say that when you were standing</p> <p>24 there on that grassy area you did not see any contraband</p> <p>25 in Mr. Thompson's backyard?</p>

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31 (Pages 121 to 124)

<p style="text-align: right;">121</p> <p>1 A. Define contraband. 2 Q. Do you know what contraband is? 3 A. I do, but I want to know your definition of it. 4 Q. Drugs, guns, any -- 5 A. Knives, nuclear bombs, that kind of stuff? 6 Q. Sure. 7 A. No. 8 Q. Bottom line is you didn't see any contraband 9 from where you were standing; correct? 10 A. Again yes, no. No, you're correct. 11 Q. Okay. Now, have you ever conducted what you 12 have considered -- well, have you ever seized drugs or 13 weapons from a vehicle? 14 A. In my career? 15 Q. Yes. 16 A. Yes, sir. 17 Q. Have you ever done so pursuant to what's called 18 the "plain view doctrine"? 19 A. Yes, sir. 20 Q. When you've seized those drugs or weapons from a 21 vehicle under the plain view doctrine, do you seize them 22 as evidence and keep them in a law enforcement evidence 23 locker or do you give it to a random person? 24 MS. ROBERTSON: Object -- object to form, 25 calls for a legal conclusion, vague, calls for</p>	<p style="text-align: right;">122</p> <p>1 speculation, argumentative. 2 Q. (By Mr. Gelfand): You can answer my question. 3 A. If you're asking me if they are secured in an 4 evidence locker, then yes, sir. 5 Q. Yes. In other words, when you seize contraband 6 as a law enforcement officer, law enforcement takes 7 possession of the contraband and keeps it as evidence so 8 that it can be used in court; correct? 9 A. That is correct. 10 Q. You were asked by your attorney about whether as 11 a law enforcement officer you sometimes have to assess 12 credibility on the job. Did I understand that correctly? 13 A. Yes, you did. 14 Q. Okay. When assessing -- and you mentioned in 15 response to your attorney's questions certain things that 16 you sometimes use to assess credibility; correct? 17 A. Correct. 18 Q. Are inconsistencies with two people's stories of 19 the same event indicative that somebody is lying? 20 A. No. 21 Q. Why not? 22 A. Because two people might perceive the same event 23 two separate ways. 24 Q. Can it be indicative that somebody is lying? 25 A. Can it be? Yes.</p>
<p style="text-align: right;">123</p> <p>1 Q. In other words, if somebody says, we showed up 2 together and the other person says we showed up at the 3 bank apart, that could be suspicious; correct? 4 MS. ROBERTSON: Object to form, calls for 5 speculation, vague. 6 A. It could be. 7 Q. (By Mr. Gelfand): When determining whether 8 somebody is telling the truth about what happened, would a 9 video of what transpired help to determine that? 10 MS. ROBERTSON: Same objection. 11 A. Yes, sir. 12 MR. GELFAND: Thank you. I have no further 13 questions. 14 MS. ROBERTSON: I -- I have just -- just a 15 couple. Do you -- can we go off the record for 16 a second? 17 (Off the record.) 18 FURTHER EXAMINATION 19 BY MS. ROBERTSON: 20 Q. Officer Gerholdt, in addition to Defendants' 21 Exhibit A and B, which you have in front of you, I'm going 22 to hand you Plaintiff's Exhibit Number 13. In Defendants' 23 Exhibit A and B, do you see a driveway? 24 A. Yes. 25 Q. And does -- that driveway extends from the</p>	<p style="text-align: right;">124</p> <p>1 vantage point we're looking at into a public street; is 2 that right? 3 A. Yes. 4 Q. Is there a sidewalk depicted in Exhibit B? 5 A. There is -- yes. 6 Q. And in Plaintiff's Exhibit 13, do you see 7 pavement in that photograph? 8 A. Yes. 9 Q. Is that the same pavement that extends from the 10 driveway depicted in Exhibits -- Defendants' Exhibit A and 11 B? 12 A. Yes. 13 Q. And, in fact, in Exhibit 13, do you see a 14 vehicle parked in the corner? 15 A. Yes. 16 Q. And in the upper left-hand corner of Exhibit 13 17 is that the gate, the threshold, you were asked about that 18 you walked through? 19 A. Yes. 20 Q. Okay. Is that the same threshold that's 21 depicted in Defendants' Exhibit A? 22 A. Yes. 23 Q. And in Defendants' Exhibit A, is the gate open? 24 A. Yes. 25 Q. In Plaintiff's Exhibit 13, is the gate closed?</p>

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32 (Pages 125 to 128)

	125	126
1	A. I can't tell because the sun is shining on the	1 STATE OF)
2	picture.	2 COUNTY OF)
3	Q. Okay. Well --	3
4	A. Is the gate closed, no. No, it's not. You can	4
5	see it right there.	5 I, Robert Gerholdt, do hereby affirm that I have
6	Q. May I see it? Okay. Is it partially closed?	6 read the foregoing deposition and agree that said
7	A. It is partially closed, yes.	7 deposition is a true and correct representation of my
8	Q. Okay. Thank you. No further questions?	8 testimony in this matter, with any changes I have made on
9	MR. GELFAND: No further questions. Do you	9 the correction page.
10	want to read and review?	10
11	MS. ROBERTSON: Yeah, we're going to --	11
12	we're going to read and sign.	12 Robert Gerholdt
13	(Thereupon, the deposition of Robert	13
14	Gerholdt concluded at 3:58 p.m.)	14 Subscribed to before me this _____ day of
15	(SIGNATURE WAS NOT WAIVED.)	15 _____, 2023.
16		16
17		17 _____
18		18 (Notary Public)
19		19 RAYMOND THOMPSON v.
20		20 JOSHUA COCKRELL, et al.
21		21 Held: December 5, 2023
22		22 Brenda L. Schmelz, CVR-Master, Mo. CCR 1267
23		23
24		24
25		25

	127	128
1	ERRATA SHEET	1
2	RE: RAYMOND THOMPSON vs. JOSHUA COCKRELL, et al.	2 CERTIFICATE OF REPORTER
3	WITNESS: ROBERT GERHOLDT	3
4	PG/LN NO. CORRECTION REASON FOR CHANGE	4 I, Brenda L. Schmelz, Certified Verbatim
5		5 Reporter-Master, CCR No. 1267, a Certified Court Reporter
6		6 within and for the State of Missouri, do hereby certify
7		7 that the foregoing witness, Robert Gerholdt, was duly
8		8 sworn on the date indicated and that the foregoing is a
9		9 true and accurate transcription of my notes and is a true
10		10 record of the testimony given by the foregoing witness.
11		11 I further certify that I am not employed by or
12		12 related to any party to this action by blood or marriage
13		13 and that I am in no way interested in the outcome of this
14		14 matter.
15		15 IN WITNESS WHEREOF, I have hereunto set my hand
16		16 this 15th day of December, 2023.
17		17
18	I certify that I have read my deposition in the	18 _____/s/ Brenda L. Schmelz_____
19	above case and I request that no changes be made.	19 Brenda L. Schmelz, CVR-M, CCR
20	I certify that I have read my deposition in the	20 Certified Court Reporter within
21	above case and I request that the above changes be made.	21 and for the State of Missouri
22	SIGNATURE OF DEPONENT:	22
23		23
24	DATED: _____	24
25		25

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